



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

A 450600

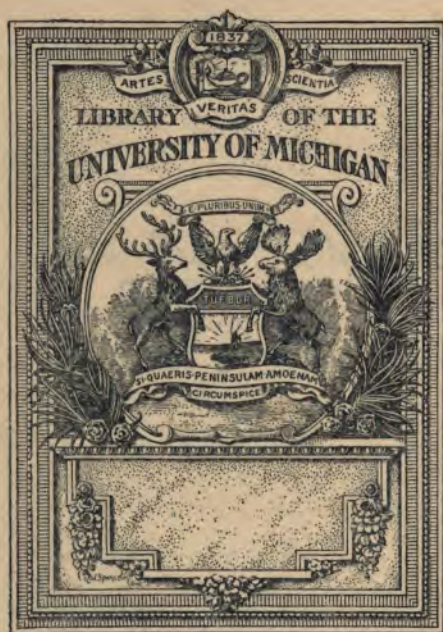
STATE GOVERNMENT SERIES

EDITED BY  
S. A. HINSDALE

# HISTORY AND GOVERNMENT OF MISSOURI



BY  
J. BARNARD



1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.



11

11

11

THE  
STATE GOVERNMENT SERIES

EDITED BY

B. A. HINSDALE, Ph.D., LL.D.

*VOLUME 1.*



ALEXANDER McNAIR,  
First Governor of Missouri, 1820—'24.

HISTORY

83973

AND

# Civil Government of Missouri

TO WHICH IS APPENDED

THE CONSTITUTION OF THE UNITED STATES

BY

J. U. BARNARD

PROFESSOR OF PEDAGOGY IN THE UNIVERSITY OF MISSISSIPPI; SOME-  
TIME PROFESSOR IN THE STATE NORMAL SCHOOLS  
OF MISSOURI



CHICAGO NEW YORK  
THE WERNER COMPANY

1895

---

**COPYRIGHT, 1895, BY THE WERNER COMPANY**

---

**History of Missouri**

---

GENERAL INTRODUCTION  
TO  
The State Government Series.

By B. A. HINSDALE, Ph.D., LL.D.

---



THE character of the volumes that will comprise The State Government Series is indicated by the name of the series itself. More definitely, they will combine two important subjects of education, history and government. It is proposed in this Introduction briefly to set forth the educational character and value of these subjects, and to offer some hints as to the way in which they should be studied and taught, particularly as limited by the character of the Series.

1. THE EDUCATIONAL VALUE OF HISTORY AND GOVERNMENT.

Not much reflection is required to show that both of these subjects have large practical or guidance value, and that they also rank high as disciplinary studies.

1. *History*.—When it is said that men need the experience of past ages to widen the field of their personal observation and of contemporary knowledge, to correct their narrow views and mistaken opinions, to furnish them high ideals, and to give them inspiration or motive force ; and that history is the main channel through which this valuable experience is transmitted to them,—this should be sufficient to show that history is a very important subject of education. On this point the most competent men of both ancient and modern times have delivered the most convincing testimony. Cicero called history “the witness of times, the light

of truth, and the mistress of life." Diodorus Siculus said it was "a handmaid of Providence, a priestess of truth, and a mother of life." Dionysius of Halicarnassus said "history is philosophy teaching by examples," and Lord Bolingbroke lent his sanction to the saying. Guizot declared history to be "a great school of truth, reason, and virtue." Locke said it was "the great mother of prudence and national knowledge." Bacon said it supplies examples. Milton thought children should be taught "the beginning, the end, and the reasons of political societies." Another writer affirms that "history furnishes the best training in patriotism, and enlarges the sympathies and interests." Bishop Stubbs contends that it is a good school of the judgment. Macaulay said: "The real use of traveling to distant countries, and of studying the annals of past times, is to preserve them from the contraction of mind which those can hardly escape whose whole commerce is with one generation and one neighborhood." Still another writer speaks of exclusive devotion to such studies as botany and biology as 'incapacitating one for what is, of all things, most practical, viz.: historical reasoning.'

In every great field of human activity the lessons of history are invaluable—in politics, religion, education, moral reform, war, scientific investigation, invention, and practical business affairs. The relations of history and politics are peculiarly close. There could be no science of politics without history, and practical politics could hardly be carried on. But more than this, there can be no better safeguard than the lessons of history against the specious but dangerous ideas and schemes in relation to social subjects that float in the atmosphere of all progressive countries. In fact, there is no other safeguard that is so good as these lessons; they are experience teaching by examples. The man who has studied the history of the Mississippi Scheme, the South Sea Bubble, or some of the less celebrated industrial or economical manias that have afflicted our own country, is little likely to embark in similar schemes himself, or to promote them. The man who has studied the evils that irredeemable paper money caused in France in the days of the Revolution, or the evils that the Continental money caused in our own country, will be more apt to form sound views on the subjects of currency and banking than the man who has had no such training. Once more, the man who has studied the calamitous consequences that follow when



governments have left their own proper sphere and have taken possession of the sphere that belongs to private initiative, individual or co-operative, is not likely to be misled by those reformers who are constantly telling us that everything would be well in society if only the government could be brought to do this or that. The school of history is a conservative school, and its lessons are our great defence against cranks, faddists, and demagogues.

2. *Government.*—Politics is both a science and an art. It is the science and the art of government. As a science it investigates the facts and principles of government; as an art it deals with the practical application of these facts and principles to the government of the state.

Now it is manifest that the art of politics, or practical government, directly concerns everybody. Few indeed are the subjects in which men, and particularly men living in great and progressive societies, are so deeply interested as in good government. The government of the state is charged with maintaining public order, securing justice between man and man, and the promotion of the great positive ends of society. For these purposes it collects and expends great revenues, which are ultimately paid from the proceeds of the labor of the people. Furthermore, in republican states, such as the American Union and the forty-four individual States that make up the Union, government is carried on by the people through their representatives chosen at popular elections. The voters of the United States are a great and rapidly growing body. In the presidential election of 1888, as many as 11,388,007 citizens participated; in the presidential election of 1892, the number was 12,077,657—a growth of nearly 700,000 in four years. Moreover, these voters are felt in many other ways and places; they vote for National representatives, for State legislators, executives, and judges, for county, township, and city officers, for the supervisors of roads, and the directors of the public schools. There is not a point in the whole round of National, State, and Local government that the popular will, as expressed at elections, does not touch. Every man is, therefore, directly concerned to understand the nature and operations of these governments, and almost equally concerned to have his neighbors also understand them.

We have been dealing with practical politics exclusively. But the art of government depends upon the science of government. The government of a great country, like our own, at least if a good



one, is a complicated and delicate machine. Such a government is one of the greatest triumphs of the human mind. It is the result of a long process of political experience, and in its elements at least it runs far back into past history. It is, therefore, a most interesting study considered in itself. All this is peculiarly true of our own government, as will be explained hereafter.

However, this complicated and delicate machine is not an end, but only a means or instrument; as a means or instrument it is ordained, as the Declaration of Independence says, to secure to those living under it their rights—such as life, liberty, and the pursuit of happiness; and the extent to which it secures these rights is at once the measure of its character, whether good or bad.

It is also to be observed that a government which is good for one people is not of necessity good for another people. We Americans would not tolerate a government like that of Russia, while the Russians could hardly carry on our government a single year. A good government must first recognize the general facts of human nature, then the special character, needs, habits, and traditions of the people for whom it exists. It roots in the national life and history. It grows out of the national culture. Since government is based on the facts of human nature and human society, it is not a mere creature of accident, chance, or management. In other words, there is such a thing as the science of government or politics. Moreover, to effect and to maintain a good working adjustment between government and a progressive society, is at once an important and difficult matter. This is the work of the practical statesman. And thus we are brought back again to the fact that the science of government is one of the most useful of studies.

Mention has been made of rights, and of the duty of government to maintain them. But rights always imply duties. For example: A may have a right to money that is now in B's possession, but A cannot enjoy this right unless B performs the duty of paying the money over to him. If no duties are performed, no rights will be enjoyed. Again, the possession of rights imposes duties upon him who possesses them. For example: the individual owes duties to the society or the government that protects him in the enjoyment of his rights. Rights and duties cannot be separated. Either implies the other. Accordingly, the practical study of government should include, not only rights, but also duties as

well. The future citizen should learn both lessons; for the man who is unwilling to do his duty has no moral claim upon others to do theirs.

The foregoing remarks are particularly pertinent to a republican government, because under such a government the citizen's measure of rights and so of duties is the largest. Here we must observe the important distinction between civil and political rights. The first relate to civil society, the second to civil government. Life, liberty of person, freedom of movement, ownership of property, use of the highways and public institutions, are civil rights. The suffrage, the right to hold office under the government, and general participation in public affairs are political rights. These two classes of rights do not necessarily exist together; civil rights are sometimes secured where men do not vote, while men sometimes vote where civil rights are not secured; moreover, both kinds of rights may be forfeited by the citizen through his own bad conduct. Evidently political rights are subordinate to civil rights. Men participate in governmental affairs as a means of securing the great ends for which civil society exists. But the great point is this—republican government can be carried on successfully only when the mass of the citizens make their power felt in political affairs; in other words, perform their political duties. To vote in the interest of good government, is an important political duty that the citizen owes to the state. Still other political duties are to give the legally constituted authorities one's moral support, and to serve the body politic when called upon to do so. These duties grow out of the corresponding rights, and to teach them is an essential part of sound education.

It has been remarked that good government rests upon the facts of human nature and society, that such a government is a complicated machine, and that it is an interesting subject of study. It is also to be observed that the successful operation of such a government calls for high intellectual and moral qualities, first on the part of statesmen and public men, and secondly on the part of the citizens themselves. There are examples of an ignorant and corrupt people enjoying measurable prosperity under a wise and good monarch; but there is no example of a democratic or republican state long prospering unless there is a good standard of intelligence and virtue. This is one of the lessons that Washington impressed in his Farewell Address. "In proportion as the struct-

ure of a government gives force to public opinion, it is essential that public opinion shall be intelligent."

Government deals with man in his general or social relations. Robinson Crusoe living on his island neither had nor could have had a government. Man is born for society; or, as Aristotle said, "man has a social instinct implanted in him by nature." It is in living relations with his fellowmen that man reaches the perfection of his nature; or, as the same great thinker said: "The individual when isolated is not self-sufficient; therefore he is like a part in relation to the whole. But he who is unable to live in society, or who has no need because he is sufficient for himself, must be either a beast or a god; he is no part of a state." A modern writer thus expresses the same thought: "A man would no more be a man if he lived alone in the world, than a hand would be a hand without the rest of the body." But man is political as well as social; or, as Aristotle says again, "man is more of a political animal than bees, or any other gregarious animal." Hence the same writer's famous maxim, "Man is born to be a citizen."

These last remarks will answer a double purpose. They reinforce what has been said concerning the practical value of political studies. More than this, they bring before the mind, as a subject of study, man in his relations to his fellow men. The study of man in these relations has both practical and disciplinary value. At first man is thoroughly individual and egotistical. The human baby is as selfish as the cub of the bear or of the fox. He is the most exacting tyrant in the world. No matter at what cost, his wants must be supplied. Such is his primary nature. But this selfish creature is endowed with a higher, an ideal nature. At first he knows only rights, and these he greatly magnifies; but progressively he learns, what no mere animal can learn, to curb his appetites, desires, and feelings, and to regard the rights, interests, and feelings of others. To promote this process, as we have already explained, government exists. In other words, the human being is capable of learning his relations to the great social body of which he is a member. Mere individualism, mere egotism, is compelled to recognize the force and value of altruistic conviction and sentiment. And this lesson, save alone his relations to the Supreme Being, is the greatest lesson that man ever learns. The whole field of social relations, which is covered in a general way

by Sociology, is cultivated by several sciences, as ethics, political economy, and politics; but of these studies politics or government is the only one that can be introduced in didactic form into the common schools with much success. In these schools civil government should be so taught as to make it also a school of self-government.

It may be said that so much history and politics as is found in these volumes, or so much as can be taught in the public schools, does not go far enough to give to these studies in large measure the advantages that have been enumerated. There would be much force in this objection, provided such studies were to stop with the elementary school. But fortunately this is not the case. The history and the politics that are taught in the elementary school prepare the way for the history and the politics that are taught in the college and the university. Furthermore, and this is in one aspect of the subject still more important, they also prepare the way for much fruitful private study and reading in the home.

## II. METHODS OF STUDY AND TEACHING.

Under this head history will be considered only so far as it is involved in politics. Our first question is, Where shall the study of government begin? The answer will be deferred until we have considered the general features of the government under which we live.

The United States are a federal state, and the American Government is a dual government. Our present National Government dates from the year 1789. It was created by the Constitution, which, in that year, took the place of the Articles of Confederation. At that time the State Governments were in full operation, and it was not the intention of the framers of the Constitution, or of the people who ratified it, to supersede those governments, or, within their proper sphere, to weaken them. Experience had conclusively shown that the country needed a stronger National Government, and this the people undertook to provide. So, in the Constitution which they ratified and established, they thought to accomplish the objects that are enumerated in the Preamble.

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do

ordain and establish this Constitution for the United States of America."

The Constitution also formally denied some powers to the United States and some to the States; that is, it forbade the one or the other to exercise the powers so prohibited. (See Article I, sections 9, 10.) The understanding was that the mass of powers not delegated to the Union exclusively, or forbidden to the States, continued to remain in the hands of the people in their State capacities. Moreover, this understanding was expressly asserted in Article X. of the Amendments that were put in force in 1791; viz:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Accordingly, the Government of the United States must be studied under two aspects, one National and one State. The case is quite different from what it would be in England or France, both of which countries have single or unitary governments. This duality makes the study more interesting, but more difficult, and suggests the question whether it should begin with the Nation or the State. The answer must be deferred until still other facts have been taken into account.

The State Governments do not exercise all the powers that have been reserved to the people. The people of every State, in framing their Constitutions, have denied to these governments certain of the reserved powers. Still more, the powers that are exercised are exercised through a variety of channels.

1. Some of them are exercised directly by State officers. For the most part these are powers that concern the State as a whole.
2. Some are exercised by county officers within the county.
3. Some are exercised by town or township officers within the town or county.
4. Some are exercised by city or municipal officers within the city.
5. A few fall to officers elected by divisions of townships, as road-masters and school directors.

Items 2, 3, 4, and 5 of this enumeration constitute Local government, which the people of all the States, in some form, have retained in their own hand. Here we meet a political fact that distinguishes us from some other countries, the vigorous vitality of



local institutions. France, for example, although a republic, has a centralized government; many powers are there exercised by national officers that here are exercised by local officers, while the state often asserts direct control over the local authorities. Strong attachment to local self-government, and opposition to centralized government, is one of the boasted glories of the English-speaking race. Subject to the State Constitution, the Legislature is the great source of political power within the State. The county, the township, and the city owe their political existence and peculiar organization to the State.

Different States have organized local government in different ways. Speaking generally, there are three types—the Town type, the County type, and the Mixed type. The Town-type is found exclusively in the New England States. It throws most of the powers of local government into the hands of the town, few into the hands of the county. The County type, which is found in the Southern States and in a few others, reverses this method; it throws all local powers into the hands of the county, and makes the subdivision of the county merely an election precinct, the jurisdiction of the justice of the peace, and perhaps the unit of the militia company. The Mixed, or Compromise system, as its name implies, combines features of the other two. It makes more use of the county, and less of the town, than New England; more of the township, and less of the county, than the South. It is found in the Central States and generally, but not universally, throughout the West.

Now not much argument is needed to show that the study of government, even within the limits of the elementary school, should embrace the two spheres in which the American Government moves, the sphere of the Nation and the sphere of the State. Neither is much argument called for to show that the study of the State should embrace Local government, as well as State government proper. The argument on the whole subject divides into two main branches—the one practical, the other pedagogical.

Unfortunately, the time given to the study of government in the schools has not always been wisely distributed. For many years the National Government received disproportionate attention, and such, though perhaps in less degree, is still the case. This was due, no doubt, to the imposing character of the United States as compared with the single State. The powers of the National

Government are greater, and are exercised upon a wider theater than the powers of the State governments. But, important as the powers of the Nation are, the common citizen, in time of peace, has few relations with it outside of the Post Office Department, while his relations with the State are numerous and constant. Said President Garfield in 1871:

“It will not be denied that the State Government touches the citizen and his interests twenty times where the National Government touches him once. For the peace of our streets and the health of our cities; for the administration of justice in nearly all that relates to the security of person and property, and the punishment of crime; for the education of our children, and the care of unfortunate and dependent citizens; for the collection and assessment of much the larger portion of our direct taxes, and for the proper expenditure of the same,—for all this, and much more, we depend upon the honesty and wisdom of our General Assembly [at Columbus], and not upon the Congress at Washington.”\*

Mr. Woodrow Wilson, discussing the same subject, says the twelve greatest subjects that have occupied the public mind of England in the present century are: Catholic emancipation, Parliamentary reform, the abolition of slavery, the amendment of the poor laws, the reform of municipal corporations, the repeal of the corn laws, the admission of the Jews to Parliament, the disestablishment of the Irish Church, the alteration of the Irish land-laws, the establishment of national education, the introduction of the ballot, and the reform of the criminal law. And all of these except the corn laws and the abolition of slavery would have been, under our system, so far as they could be dealt with at all, subjects for State regulation exclusively.†

Still another point may be urged, for the study of the State has a still larger educational value, and particularly if the State be one of the old ones. It is a distinct political community. It is a separate commonwealth, having its own constitution, laws, and officers. It has its own peculiar or State history. The people boast its services to the country. They point to its great names. They glorify the associations that cluster about its name and its territory. They dwell upon its typical or ideal life. All this is educative in a striking sense; such an environment necessarily reacts upon the

---

\* Works, Vol. I., p. 733.

† The State, 487

people. Who can measure the effect of the old Bay State ideal, or the Old Dominion ideal, upon the people of either State?

Once more, Local government has received too little attention as compared with State government proper. Township or county government is on such a diminutive scale that to many it seems a subject unworthy of serious study. The fact is, however, that the political development of the race to which we belong began with these local institutions, and that they are among the most characteristic features of our civilization. Still more, it is important to teach the youth of the county that their future prosperity and happiness will depend, as a rule, upon what is done by road-masters, school directors, township trustees or supervisors, county commissioners or county courts, city authorities, and the like far more than upon what is done by the Governor or the President. The common citizen is ten-fold more concerned in the proceedings in the courts held by justices of the peace and by county judges than in the causes that are decided by the Supreme Court of the United States.

Government is fundamentally an information or guidance study. It is put in the schools to teach the pupil how to perform his political duties intelligently, when he comes to the state of manhood. In order that he may perform these duties intelligently, he must understand the nature and the ends of government, whether National, State, or Local, and the mode of its operation. One of the wise ancients contended that education should respect the political constitution of the country. "The citizen should be moulded," he said, "to suit the form of government under which he lives. For each government has a peculiar character which originally formed, and which continued to preserve it. The character of democracy creates democracy, and the character of oligarchy oligarchy; and always the better the character the better the government."\* And one of the wise moderns, catching up the thought, contends that the laws of education ought to be relative to the principles of government. "The laws of education are the first impressions we receive," he says, "and as they prepare us for civil life, each particular family ought to be governed pursuant to the plan of the great family which comprehends them all."†

If confirmation of these views be demanded, it can be furnished in abundance. Characteristic features of our government are ill

---

\* Aristotle: *Politics*, VIII., 1.

† Montesquieu: *The Spirit of Laws*, Book IV., Chap. I.



understood by thousands of citizens. The functions of the Executive and of the Judiciary are often confounded; likewise the functions of State authorities and National authorities. A multitude of citizens participate in every election of electors for President, who do not know how the President is elected. The line dividing the State sphere from the National sphere is a very hazy matter to many persons who consider themselves intelligent. Owing partly to this fact, and partly to the greater prominence of the Union, there is always a tendency in many quarters to hold the National authorities responsible for what the State authorities have or have not done. The adjustment of Local Government to the State and National Governments is another matter concerning which many are confused. Tax-payers can be found in every neighborhood who think the taxes that they pay to the township or the county treasurer go to Washington.

What has been said will suffice for the practical branch of the argument. Taking up the pedagogical branch, let us first observe the nature and the origin of the child's early education in respect to government.

It is in the family, in personal contact with its members, that the child forms the habits of obedience and deference to others. It is here that he learns, in a rudimentary and experimental way, that he is part of a social whole. Here he acquires the ideas to which we give the names *obedience, authority, government*, and the like. His father (if we may unify the family government) is his first ruler, and the father's word his first law. Legislative, executive, and judicial functions are centered in a single person. These early habits and ideas are the foundations of the child's whole future education in government, both practical and theoretical. His future conception of the governor, president, king, or emperor is developed on the basis of the idea of his father; his conception of society, on the basis of the idea of his home; his conception of government by the State, on the basis of family government. Of course these early habits and ideas are expanded, strengthened, and adjusted to new centers.

While still young the child goes to school. This, on the governmental side, is but a repetition of the home. It is the doctrine of the law that the teacher takes the place of the parent: *in loco parentis*. The new jurisdiction may be narrower than the old one, but it is of the same kind. The education of the school re-

inforces the education of the home in respect to this all-important subject. The habits of obedience and deference are strengthened. The child's social world is enlarged. At first he thought, or rather felt, that he was alone in the world; then he learned that he must adjust himself to the family circle; now he discovers that he is a member of a still larger community, and that he must conduct himself accordingly. The ideas of authority, obedience, law, etc., are expanded and clarified.

About the time that the child goes to school he begins to take lessons in civil government. This also is developed on the basis of his previous home-training. It begins at the very door-step. The letter-carrier, the policeman, the justice of the peace, and the postmaster introduce him to the government of the outer world. Some or all of these officers he sees and knows, and others he hears about. The very mail wagon that rattles along the street teaches its lesson, and so do other symbols of authority that confront him. He attends an election and hears about the caucus. As he grows older, the town council, the court of the local magistrate, and the constable or sheriff teach him the meaning of the three great branches of government. His ears as well as his eyes are open. Politics is the theme of much familiar conversation to which he listens. With all the rest, he reads the newspaper, and so enlarges his store of political information.

Still other agencies contribute to the grand result. The church, public meetings, societies of various kinds, all teach the lessons of order and discipline.

Such, in general, are the steps by which the child makes his way out of the world of isolation and selfishness into the world of social activity and light. Such is the character of his early education in morals and politics. Nor is it easy to overestimate these early lessons. To suppose that the child's political education begins when he first reads the Constitution of the United States, is like supposing that his moral education begins when he is first able to follow the preacher's sermon.

All this training is unconscious and mainly incidental, and the more effective for that very reason. But such training will not meet the ends of intelligent citizenship. Nor can the political education of citizens be left to the newspaper and the political speaker. Government must be formally taught in the schools. But what shall be the order of study? Shall the child begin at Washington,

at the State capital, or at his own home? In other words, shall he begin with the National Government, with the State government proper, or with Local Government?

For a time the student of government should continue to work on the material that lies right about him, just as the student of geography should find his first lessons at home. On this point the arguments already presented are decisive. The practical argument shows that this will be the most useful course to pursue. The pedagogical argument shows that it is also the easiest, the most natural, and the most successful. In general then the method should be,—first, the Local Government; second, the State Government, and last, the National Government.

We have now reached a position where we can define more clearly and fully the special object of the series of books to which this is a General Introduction. These books are designed for the first stage of the formal study of the subject of Government. They are written on the theory announced; viz: that the child's political education begins at home, and should for a time proceed from the home outward. The series have been appropriately named *The State Government Series*. A volume will be given to a State. The successive volumes will first present an outline sketch of the civil history of the State, and then outline sketches of the State and National Governments as they now exist and operate.

With two or three practical suggestions to teachers, this Introduction may fitly close.

The first of these suggestions is that if the proper course be taken, the study of the National system will not be deferred until the pupil has made a complete survey of the State system. The State system can no more be understood alone than the National system alone. When the intelligent pupil is old enough to take up one of the volumes of this series, and particularly a boy, he will already have made some progress in discriminating the two systems. He will know that Congress and the President belong to the Nation, the Legislature and the Governor to the State. But at the outset it may be advisable for the teacher to broaden and deepen this line of division. This can be done, if need be, in one or more oral lessons devoted especially to the subject. Moreover, the teacher should keep an eye on this line from first to last. He should encourage the pupil to read the Constitution of the United States, and in particular should direct his attention to the general

powers of Congress as summed up in Article I, section 8, which are the driving wheels of the National Government.

The second observation is that unremitting care must be taken to make the instruction real. The commonplaces about the abstractness and dryness of verbal instruction, and particularly book instruction, will not be dwelt upon, except to say that they apply to our subject with peculiar force. The study of history, when it is made to consist of memorizing mere facts, is to the common pupil a dry and unprofitable study. Still more is civil government dry and unprofitable when taught in the same manner. There is little virtue in a mere political document or collation of political facts. The answer that the school boy made to the question, "What is the Constitution of the United States?" is suggestive. He said it was the back part of the History that nobody read. Hence the book on government must be connected with real life, and to establish this connection is the business of the teacher. On this point three or four particular suggestions may be made.

The teacher should not permit the Governor, for example, to be made a mere skeleton. He should see rather that he is a man of flesh and blood, holding a certain official position and exercising certain political powers. It is better to study the Governor than the Executive branch of the government; better to inquire, What does the Governor do? than, What are the powers of the Executive?

The teacher should stimulate the pupil to study the political facts about him. He should encourage him to observe the machinery of political parties, the holding of elections, council meetings, courts of local magistrates, and the doings of the policeman, constable, and sheriff. This suggestion includes political meetings and conversations upon political subjects. By observation an undue personal attendance upon such proceedings is not meant. To that, of course, there might be several objections.

Pupils in schools should be encouraged to read the newspapers, for political among other reasons. The publications prepared particularly for school use to which the general name of "Current Events" may be given, are deserving of recommendation.

Still another thought is that the study be not made too minute. It should bear rather upon the larger features of the special topics. This remark is particularly applicable to the judiciary, which nearly all persons of ordinary education find more or

less confusing. It is believed that the suggestions relative to observation of political facts are peculiarly important in a country like our own. To understand free government, you must be in touch with real political life. The late Dr. Freeman contended that the failure of many German writers to understand the Greek democracies, is due to their utter lack of practical acquaintance with free institutions.

In teaching Civil Government, the first point is to develop Civic Spirit,—the spirit that will insist upon rights and perform duties.

The last word is a word of caution. The method that has been suggested can easily be made too successful. Our American atmosphere is charged with political interest and spirit; and, while the pupil who takes a lively interest in current politics, as a rule, will do better school work than the pupil who does not, the teacher must exercise care that partisan spirit be not awakened, and that occupation in current events do not mount up to a point where it will interfere with the regular work of the school.<sup>1</sup>

B. A. HINSDALE.

University of Michigan, May 11, 1895.

---

<sup>1</sup> The responsibility of the Editor for this volume extends only to this Introduction.

## PREFACE.

Civil Government is one of the prescribed branches of study in the public schools. In addition to the usual course of instruction in national government, the teachers of Missouri must be examined also on state government.

This latter requirement has given rise to a very general demand for a convenient and practical work on the civil system of Missouri. With a view to furnishing information upon this topic, in a form adapted to the uses of the schoolroom, the present work has been prepared, and it is believed that a popular demand will be met by its publication.

It is with state and local government that the citizen is mostly concerned. It is with these that he comes in contact most frequently, and to these he appeals for immediate protection of person and property. If he lives in a city or town, he is subject to no less than five local systems of government,—the school district, the township, the city or town, the county, and the state,—each of which has a separate and special function. “The institutions directly affecting the citizen in his ordinary civil relations are those chiefly of the state and the local governments within it.” Hence to limit instruction in

civil government to matters pertaining to the general government alone, is to leave out much that is demanded by the best interests of the citizen. A knowledge of state and other local forms of government is necessary to a proper understanding of the federal system.

The present work is an attempt at a systematic presentation of the principles of local government as exemplified in the constitution and laws of Missouri. From the great mass of materials at command, such laws and facts and principles have been selected as seemed necessary to an orderly statement of the essentials of state government.

The present discussion includes also such questions of national government as have a local meaning and application. But in order to make the work complete for the purposes of a text-book, the constitution of the United States has been added.

The "Stimulating Questions" at the close of each chapter are intended to provoke thought upon topics suggested by the text. Properly used by the teacher they may be made a very valuable means to original thought and investigation.

J. U. BARNARD.



## PLAN OF PREPARATION AND INSTRUCTION.

A few suggestions as to method of work in this subject may not be out of place :

**The book** is so arranged as to aid both teacher and pupil. The topics are closely associated with the everyday life of the citizen. The means are presented for arousing a lively interest and for giving an intelligent notion of government as exhibited in the local units as well as in its more general aspects.

**The teacher** should use the text as his guide, assigning lessons either by topics or by definite amounts or portions. He will be all the better prepared for his work by having gathered notes and illustrations of the practical workings of government. A wider knowledge of the topics may be gotten by a study of history and of the more extended works on civil government. (See *The American Government*, by B. A. HINSDALE.)

**The pupil** will be easily enlisted if the local and concrete phases of the subject are made prominent at first. Pupils may make oral or written reports of primaries, conventions, and campaigns. The newspapers will contain accounts of the election of United States senators, proceedings of electors of president and vice-president, the organization of the legislature or of congress, as well as of the proceedings of legislative bodies in the making of laws. In all cases the text should be studied and mastered. The "stimulating questions" at the close of the chapters will furnish topics for a more extended study of civil government. Each question may be assigned to special pupils for study and report.



# CONTENTS.

---

Chapter.		Page.
I.	HISTORICAL SKETCH OF MISSOURI .	9-19
II.	INTRODUCTION . . . . .	20-24
III.	THE FAMILY . . . . .	25-29
IV.	THE SCHOOL . . . . .	30-39
V.	THE MUNICIPAL TOWNSHIP . . .	40-47
✓ VI.	THE COUNTY . . . . .	48-58
× VII.	THE CONGRESSIONAL TOWNSHIP	59-64
× VIII.	CITIES AND VILLAGES . . . .	65-78
✓ IX.	STATE GOVERNMENT—LEGISLATIVE	79-95
X.	EXECUTIVE DEPARTMENT . . .	96-109
XI.	JUDICIAL DEPARTMENT . . . .	110-123
XII.	RIGHTS AND DUTIES . . . . .	124-133
XIII.	CITIZENSHIP AND SUFFRAGE . .	134-144
XIV.	ELECTIONS IN MISSOURI . . . .	145-156
XV.	PARTY MANAGEMENT : . . . .	157-163
XVI.	REVENUE AND TAXATION . . . .	164-170
XVII.	STATE INSTITUTIONS . . . . .	171-176
XVIII.	MISCELLANEOUS TOPICS . . . .	177-182
XIX.	NATIONAL PROVISIONS OF LOCAL INTEREST . . . . .	183-192
XX.	CONSTITUTION OF THE UNITED STATES	193-217
	INDEX . . . . .	221-224

# HISTORY

AND

## CIVIL GOVERNMENT OF MISSOURI

---

### CHAPTER I

#### HISTORICAL SKETCH OF MISSOURI

**1. Early Adventurers.** The history of Missouri begins many years before the location of its boundaries as a state. Explorers and adventurers found their way into this region long before its first permanent settlement was established. Their attempts at discovery and exploration served only to give the people of other sections information about its soil, climate, natural productions, and other resources.

**2. De Soto** was the first white man to touch the soil of Missouri. It was in 1541, when he was on his adventurous expedition hunting for gold and silver and precious stones. He crossed the Mississippi river near where the city of Memphis now stands. Taking up his march to the northward, he finally entered the state of Missouri near New Madrid county. Changing his course to the westward, he penetrated the state to a distance of about two hundred miles; but finding nothing to gratify his

desire for gold or for conquest, he turned to the southward and passed into the state of Arkansas.

3. In 1673, Joliet and Marquette, enthusiastic French explorers, dropped down the Wisconsin river and entered the Mississippi on an exploring expedition. They descended the "great river" until they reached the mouth of the Arkansas, being "feasted by the natives at different points with hominy and dog-flesh." They returned without attempting a permanent settlement, but they noted the soil and other favorable conditions, and gave a glowing account of the country.

4. Following Joliet and Marquette came La Salle in 1682, who extended his explorations to the mouth of the Mississippi river. He took possession of the country in the name of his king, Louis XIV., for whom and in whose honor he called it Louisiana. This was the origin of the claims of France to a large scope of country west of the Mississippi. France did not hesitate to take advantage of the opportunities thus opened up to her and she became very active in pushing her colonization schemes. Many settlements were projected along the rivers, and even in the interior of the territory now embraced in Missouri. Numerous trading posts were also established, but as a rule these were short-lived.

5. **Permanent Settlements.** About the middle of the eighteenth century the first permanent settlement was made by the French at Ste. Genevieve. The date seems not to have been definitely fixed as it is variously given by different authors as 1735, 1755 and 1763. The second is probably the correct date. These early inhabitants engaged, for a time, in trading with the Indians and

in working the rich mines of lead which had attracted attention. Says a recent writer : " It is interesting to note that these pioneers from France settled in Missouri on account of the richness of the lead mines they discovered in it. Their foresight did them unlimited credit, and although a century elapsed before any one began to make a fortune out of Missouri lead, the possibilities in this direction are now fully appreciated."

**6.** In 1764 the city of **St. Charles** was founded, where the first forts were built and where many Indian wars and massacres took place.

**7.** In the same year the city of **St. Louis** was founded by **Pierre Laclede**, who was at the head of a company engaged in traffic with the Indians. For a number of years the fur-trade at this point was very extensive, the annual value amounting to \$200,000.

**8. Spanish Rule.** In 1762 the territory was transferred by treaty from France to Spain, though Spanish rule did not actually begin until 1770, as up to that time "no action had been taken by that country to claim her own." The ruling power seems to have adopted a just and liberal policy toward the inhabitants, and as a consequence immigration increased rapidly and many new settlements were made. A systematic survey of the lands was begun and the surveys formerly made by the French were confirmed. While the people were uneducated, yet they were moral and industrious, and respected one another's rights. "There were no statutory laws; no trades nor professions; no courts, no prisons. The priests were the instructors and judges in all matters of learning and religion." This Spanish rule continued for about thirty-

eight years, and it is a period noted for great peace and prosperity among the people.

**9. The French Again.** In 1800 France again came into possession of the territory she had ceded to Spain in 1762. Napoleon took immediate steps toward establishing a strong military colony at the mouth of the Mississippi; but it is supposed that "a fresh quarrel with England changed the plans of the French emperor." After three years' time, he offered to sell the entire Louisiana territory to the United States.

**10. The Purchase.** The representatives of the United States government accepted the terms of Napoleon, and in 1803 Louisiana was purchased for the sum of \$15,000,000, one-fourth of which was afterwards remitted because of certain damages to the trade of Ohio for which the French were held responsible.

**11.** The United States thus acquired 900,000 square miles of territory and added thereby about one-third of its present area,—including all the country between the Rocky mountains and the Mississippi river, except a part of Texas, Kansas, New Mexico and Colorado.

**12.** The country now known as Missouri was first held by the Indians; then it was claimed by the French by right of discovery; then came the Spaniards, through whom the French again acquired it; and in 1803 it was purchased by the United States.

**13.** The census of 1800 gave to St. Louis, 925; to St. Charles, 875; to Ste. Genevieve, 949; to New Madrid, 782, and to the entire state, 6,028.

**14. Missouri as a Territory.** Immediately after the transfer of Louisiana to the United States it was divided

into two parts. That now embraced by the state of Louisiana was called the **Territory of Orleans**, and to the remainder was given the name of the **Territory of Louisiana**. Steps were at once taken looking toward their organization for the purposes of government. The latter territory, which included Missouri, was at first attached to Indiana, but was afterwards separated by Congress on petition of the people, and erected into a territory of the lowest grade. A governor and three judges were appointed who were to make the laws for the government of the people. The country continued to attract the attention of settlers and many advanced movements were inaugurated. The first newspaper west of the Mississippi river, known as the **Missouri Gazette**, now the **St. Louis Republic**, was established at St. Louis in 1808. A bank was organized, steamboats were built, and the people began to provide for the education of their children by the establishment of good schools. By act of Congress in 1812, Louisiana was advanced from a first to a second grade territory with a territorial legislature, and the name was changed to **Missouri**. In 1816 Missouri was erected into a territory of the highest grade, and two years later the territorial legislature applied to Congress for admission into the Union.

**15. Her Admission.** A bill was at once presented to admit the territory of Missouri, but a proposition being made to prohibit slavery within the jurisdiction of the new state, a heated and angry discussion arose which involved nearly every phase of the slavery question. These debates in Congress continued for about three years, while the people were divided in opinion. But in 1820

Congress agreed to a measure known as the **Missouri Compromise**, which permitted the admission of Missouri as a slave state. The bill also prohibited the extension of slavery north of latitude thirty-six degrees and thirty minutes—the southern boundary of Missouri—in the admission of new states. Slavery was allowed also south of this line. The compromise was quite generally accepted by the people as a wise measure, and it remained in force until 1856. The conditions were readily accepted by the people of Missouri who proceeded at once to frame a Constitution and to organize the state by the election of state officers. But this constitution had to be ratified by Congress and that body raised an objection to a clause which prohibited “free negroes and mulattoes” from settling within the state. This delayed the formal admission of the state until 1821, the President of the United States issuing his proclamation on the 10th day of August of that year.

**16.** The population of Missouri had increased from about 20,000 in 1810 to 66,000 in 1820.

**17.** The state was admitted with its present boundaries, with the exception of what is known as the **Platte Purchase**, which was added in 1836, and embraced the counties of Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte.

**18. Beginning as a State.** It will be seen from what has been said that state officers had been chosen before Missouri had been admitted as a state. **Alexander McNair** was the first Governor, and William H. Ashley, of St. Louis, was the first Lieutenant-Governor. The General Assembly was composed of fourteen senators and



forty-three representatives. **David Barton** and **Thomas Hart Benton** were the first United States Senators, and **John Scott** of Ste. Genevieve was the first Congressman from the state. The first Supreme Court was composed of Mathias McGirk of Montgomery county, John D. Cook of Cape Girardeau, and John Rice Jones of Pike county. **Rufus Easton** was the first postmaster of St. Louis and afterwards became the first Attorney-General for the state.

**19. Intermediate Period.** Once thoroughly organized as a state, Missouri seems to have made rapid and satisfactory progress until about the time of the civil war. The population increased, public roads were constructed, cities and towns grew up as the needs of the country demanded, and other public improvements were inaugurated. Farms were cleared, better homes were built, and many improvements were made in agricultural methods.

**20.** In 1849, the construction of the **Missouri Pacific Railroad** was authorized, and in the following year the work of building the road began. Following this came the Iron Mountain, the Wabash, and the Hannibal and St. Joseph, each of which received aid from the state. During this period the **Mormon** troubles arose in the western part of the state, and at a later time came the troubles on the Kansas border, which grew out of the slavery agitation. The capital was at St. Louis during the territorial period, but in 1821 it was located at **St. Charles**, and in 1826 it was removed to **Jefferson City** where it has remained until the present time.

**21. Civil War Period.** The disastrous effects of the



civil war were felt in Missouri. While the consequences to her have not been so serious as in other states of a larger slave population, yet there was much destruction of property, serious loss of life, and much hardship endured by her people during its continuance. Many of her citizens took an active part in the conflict by taking up arms in support of their convictions.

**22.** In January, 1861, a bill was passed by the General Assembly creating a convention to be composed of delegates selected by the people, with power to consider the relations of the state to the United States, and to the governments of the different states. A majority of the delegates selected were opposed to secession. The convention met in Jefferson City in the latter part of the month of February, but adjourned, after organization, to meet in St. Louis on the following fourth of March. In a few days after reassembling, a resolution was passed in favor of maintaining the union of the states. A strong position was taken also against coercing the seceded states, the opinion being that such a course would plunge the country into war. The intention at this time was to maintain a position of neutrality. But as Governor Jackson and the National authorities could not agree upon the terms of this neutrality, war was declared "and the state became a battlefield for the contending parties." On the 17th of June, the first battle was fought between the state and the National troops at Boonville, with the victory upon the side of the latter. Governor Jackson had taken charge of a large force of men with a view to resisting the attacks of the opposite side. The convention met again, this time in Jefferson City, on the 22d of

July; declared the office of Governor vacant and appointed Hamilton R. Gamble to fill the place; removed the Lieutenant-Governor and appointed Willard P. Hall in his stead; took general control of the entire state government, calling elections and prescribing qualifications of voters, and doing many other things that could be justified only upon the grounds "of military necessity."

**23.** Of course this contest cannot be followed up in the state in all of its details, as the limits of this sketch will not admit of such discussion. Important battles were fought at **Wilson's Creek, Lexington, Pea Ridge, Pilot Knob, Kirksville, Centralia**, and other points. During the war some 450 battles and skirmishes were fought within the state. As to the number engaged on each side during the time, Perry S. Rader, in his "History of Missouri," says that the grand total of men furnished by Missouri to Jackson and the Confederate service, did not exceed 40,000. "But the number of Union enlistments," says he, "reached the magnificent array of 109,111 men, which was 33,000 more than the number furnished by Iowa, 89,000 more than by Kansas, and three-fourths as many as Massachusetts."

**24.** The "**Drake Constitution**," the "**Test Oath**," the "**Registration Act**," and "**Negro Suffrage**" were themes which occupied the attention of the people for a time immediately following the close of the war.

**25.** But the white Wing of Peace began now to hover down closer and closer over the people; men and women forgot some of their bitternesses, and all again turned their attention to those things which make for enjoyment and prosperity. The farmer repainted his house and barn,

reset his fences, and cleared out the "sprouts" that had taken possession of so many of his fields. The minister returned to his pulpit, the teacher to his schoolroom, and the lawyer to his office. The judge again occupied his bench, the merchant displayed his goods and wares, while the smith was ready to shoe a horse or sharpen a plow. Prosperity returned and Missouri was herself again.

**26. Missouri To-day.** Missouri contains an area of 69,415 square miles, which is divided into 114 counties and the city of St. Louis. Her population, as given by the census of 1890, is now 2,679,184. She has more than 6,000 miles of railroad and her taxable wealth exceeds nine hundred million dollars. Her surplus productions amount in a single year to more than \$125,000,000. Her lead mines have attracted capital from many states, and iron and zinc are found in untold quantities. There is an abundance of coal within easy access, and her granites, marbles, and other varieties of valuable stones are attracting attention and yielding an immense income to their owners. Her system of government is wise and conservative. Her people have aimed at genuine progress in the introduction of new measures and in making changes in existing institutions. Education has been fostered, and the people avail themselves of the means of instruction. Her first constitution provided for schools for the gratuitous education of the poor; while her present constitution requires that public schools shall be established and maintained "for the gratuitous instruction of all persons" between the ages of six and twenty years.

**27.** The soils of Missouri are of a great variety and their products are numerous and valuable. Among these

are wheat, corn, and oats; hay of various kinds; apples, pears and peaches, and an infinite variety of small fruits.

**28. Constitutions.** The state has had three constitutions. The first was in force from the time of the organization of the state as such until 1865. The second, known as the "Drake Constitution," or the "Draconian Code," was in force from 1865 until 1875, when the present constitution was adopted. It is to this and to the laws of the state that we direct your attention in the succeeding chapters of this book.

**29. Boundary.** Missouri "is bounded on the east by the Mississippi river, on the south by the lines  $36^{\circ}$  and  $36^{\circ} 30'$  of north latitude, and on the west by the meridian which passes through the mouth of the Kansas river at latitude  $39^{\circ} 7'$ , and longitude  $94^{\circ} 37'$ . Thence the boundary line follows the Missouri river in a north-westerly direction to a point at about latitude  $40^{\circ} 34\frac{2}{3}'$ , longitude  $95\frac{2}{3}^{\circ}$ . This is the northwestern corner of the state, and thence the northern boundary line extends eastward approximately along the line of the same latitude to the Des Moines river, longitude  $91\frac{3}{4}^{\circ}$  and along this river to its junction with the Mississppi River.

**30. Jurisdiction. Constitution:** The state shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the state, so far as said rivers shall form a common boundary to this state and any other state or states; and the river Mississippi and the navigable rivers and waters leading to the same, shall be common highways, and forever free to the citizens of this state and of the United States, without any tax, duty, import, or toll therefor, imposed by this state.

## CHAPTER II

### CIVIL GOVERNMENT OF MISSOURI

#### INTRODUCTION

**31. Necessity for Government.** Organized government is necessary to man's welfare and success. He needs the protection and assistance of his fellows. Out of his relations and needs have grown systems of government. A diversity of interests gave rise to the need for some central authority. Hence, laws have been made which define the rights of citizens, prescribe their duties, and assess penalties for their violation. But government is not only necessary to the protection of rights, but it is essential also to the general good. Dr. Andrews says: "Science and art are to be fostered, education is to be encouraged, civilization is to be advanced. Government has thus more to do than to restrain violence, to redress wrongs, and to punish the aggressor."

**32. Two-Fold System.** In the United States, government is of a two-fold character—State and National. It has been said that these two systems are "two parts of one and the same government, two complementary parts of a single system." Each has its peculiar sphere of action, and performs a separate function.

**33. National Authority.** The national government has a separate and distinct organization, and is concerned



with matters which are of common interest to the states and the people. It does not depend upon the state authorities to execute its provisions, but national officers are appointed whose duty it is to serve the nation. They collect the internal revenue, receive the tariff taxes, administer the pension laws, manage the postal system, regulate the finances, and conduct the business with foreign nations.

**34. State Authority.** Without conflicting in the least with the national government, there are also the separate civil systems of the various states, which are concerned with local affairs; with questions which do not involve the rights or interests of citizens of other states. The powers not delegated to the United States nor denied to the states are reserved to the states and to the people. The state provides for the protection of property and the safety of its citizens. It provides for education and takes care of its poor and unfortunate citizens. It punishes crime, guards the enforcement of contracts, and makes such internal improvements as are demanded by the general interests of its communities. Its legislation is limited to the interests within the borders of the state and its courts are occupied with matters bearing upon the violation or interpretation of local laws. State government, then, stands very close to the people and regulates their social and legal relationships.

**35. Objects.** The principal objects of government may be briefly stated as follows:—

1. To secure complete justice to all citizens.
2. To protect the person and property of the citizen.
3. To insure peace and tranquillity among the people.



4. To provide the means of protection against foreign aggression.

5. To promote those things which are for the common welfare.

6. To "secure the blessings of liberty" to the people.

**36. Constitution.** The constitution of a state is its fundamental law. It is the organic law to which all laws made by the General Assembly must conform. It includes the general principles and directions according to which the people are to be governed. A law which violates any of its provisions is null and void.

**37. How Made.** It is drafted by a convention of delegates chosen by the people for that purpose. The convention is presumed to represent the views and desires of the citizens of the state.

**38. Contains What.** The constitution is general in its provisions, including only fundamental laws and principles. The constitution of Missouri contains fifteen articles, divided into three hundred sections or paragraphs. It gives the bill of rights, prescribes the qualifications, duties, manner of election, powers, and term of office of senators, representatives, and state officers; gives the methods and limitations of legislation; establishes state courts, and prescribes the qualifications, duties, powers, distribution, and election of judges of the various grades of courts. Rules are given concerning the organization and government of villages, towns, and cities. Suffrage, revenue, education, militia, and corporations, with a few other topics, receive attention also.

**39. How Adopted.** When a state is admitted into the Union, Congress must ratify its constitution, after its

adoption by the people, before it has any binding force; but if a state desires to change its constitution, the draft of the new instrument as constructed by the convention, must be submitted to the people for their approval. Missouri has now her **third constitution** which was adopted by a vote of the people on the thirteenth of October, 1875.

**40. Amended or Revised.** Each constitution provides for its own amendment. There are two methods by which amendments to the constitution of Missouri may be proposed; (1) the General Assembly may propose amendments, and (2) the General Assembly may authorize a vote of the people to be taken upon the propriety of calling a convention for the purpose of revising or amending the constitution. But in either case the amendment must be ratified by a vote of the people before it becomes a part of the constitution. The former method is generally used when minor changes are desired, and the latter when it is proposed to reconstruct and materially change many of its provisions.

**41. Knowledge of Government.** Every citizen should have a knowledge of the principles of government. Certain duties are imposed upon him, and certain rights are granted to him. He has a voice in the choice of public servants and officers. His own personal safety and his own business interests demand that he should acquaint himself with republican institutions. The people are the sovereigns. Dr. J. H. Seelye says in his work on *Citizenship*: "The history of the United States is conspicuously other than the history of its great men. It is the history of the people and their movements as

they have been led by inspirations, of which the great leaders of the people, as we call them, have often been less conscious at the first than the people themselves. Our great leaders have not moulded, but have been shaped by the public opinion of the nation. They have been trusted and followed only as they have been able to see the real movement of the people and to put themselves in its van. Whenever the real movement of the people has been real and deep, it has been resistless. Men who have sought to stem it have been swept away or engulfed by the rising tide. The great changes in our national life have been brought about by what we can only call the instinct or the inspiration of the people. They have not come from anybody's conscious plan or purpose."

**42. The Present Discussion.** In this work we shall consider the principles of local government as exemplified in the laws and constitution of Missouri. National government will receive attention only in so far as it bears upon the rights, duties, and privileges of citizens of the state. Commencing with the family, the discussion proceeds to the school district, the township, the county, and the state in logical order. Villages, towns, and cities are taken up in the proper place, and the practical questions of suffrage, elections, and party management are given due consideration.

**43. Stimulating Questions.** 1. Should the national government purchase and manage the railroads?

2. What is meant by a centralized government?

3. What good reasons can be given for government control of the telegraph?

## CHAPTER III

### THE FAMILY

**44. Importance.** The hearthstone is the cornerstone of the state, and the family is the nursery of the nation. "Historians do not agree," says Macy, "as to the exact process, but all admit that from the family have come the institutions of civil government." "The family, then," says Wilson, "was the primal unit of political society, and the seed-bed of all larger growths of government." "The state is nothing more than an aggregation of families," says another. "Family government is the original model of state authority, discipline, and punishment." The family is more or less closely connected with all secular institutions. Its influences prepare for good citizenship.

**45. Influence.** The family is society in miniature, an embryo state, each member having duties and possessing rights and enjoying privileges. Family training and discipline prepare for state duties. Its lessons direct the conduct of the individual in his intercourse with his fellows. "It is in society," says Carlyle, "that man first feels what he is; first becomes what he can be. In society an altogether new set of spiritual activities are evolved in him, and the old immensely quickened and strengthened." Here in the family the child learns to make sacrifices, to suffer privation, if need be, and to respect the needs and

desires of others. The family should be the source of good influences, teaching honesty, sobriety, diligence, patriotism, and religion.

**46. Purposes.** Primarily the family exists for the profit and enjoyment of its members. The children need the stimulating and corrective influences of the home. In the next place, the perfectly managed home fits its members for a variety of services.

**47. Rights.** There are certain rights which each member may justly claim. Each has a right to the protection that can be given by the others. Mutual and reciprocal respect for each other should be a characteristic quality. The children should be fed and clothed, trained and educated. They should be granted opportunities for proper enjoyment and the restraints imposed should not be unreasonable. The parents have a right to claim the love and respect of the children and to demand obedience on their part.

**48. Duties.** Each has duties. Each must assist in bearing the burdens of life so far as it lies within his ability. Sympathy with the sorrowing ones, encouragement in times of disappointment, and fidelity to family interests are imperative duties. Each will care for the sick, and make personal sacrifices for the relief of the needy ones. It is the duty of each to sacredly keep in confidence such matters as do not concern others, and such matters as protect the good name and standing of the family. The parent should love, guard, maintain, govern, and educate the child. The child, on the other hand, should love, reverence, and obey the parent. As the parent has cared for and protected the child in its



helpless years, so when old age or misfortune comes on and the parent can no longer provide for himself, the dutiful and appreciative child will supply him with the comforts and necessities of life and render his declining years as pleasant as possible.

**49. The Parent.** The parent is the immediate source of authority. He makes and executes the rules and laws of family government. He manages and plans the business affairs and is held responsible for providing the living. To the parents the children look for advice and aid in times of perplexity and trouble.

**50.** But the influence of the family is not circumscribed by the limits of the home. It reaches in the direction of state government, preparing for civil and political duties in many ways. The patriarchal governments of old existed before states and nations. And to-day the family "lies at the foundation of all good government." Whenever the home does its duty, there can be little fear of danger to the nation from unruly elements.

**51. The Family Teaches Submission to Authority.** This is a lesson the child must learn in order to become a good citizen. He is brought to realize the necessity of submission. Before he is aware he recognizes constituted authority, and yields a willing obedience to it. Every well-ordered family has its rules which must be obeyed by each member, otherwise confusion and discord would be the inevitable result. In addition to these quiet influences, the child is instructed in his relations to the state and the law. He is taught that the state demands certain things of him and that it is absolute in its authority. He finally realizes that he is but one among many members



of society, that the rights of all must be respected, and that it is often necessary for the good of the whole that the interests and desires of individuals shall be sacrificed. Correct teaching and training in the family will never produce anarchists, but must, on the other hand, develop law-abiding citizens.

**52. The Family Teaches Habits of Industry.** Indolence is frequently the source and inspiration of lawlessness. Idleness is said to be the mother of vice. Some member or members must provide a living, and a rightly-ordered family is the home of industry and diligence. Each does his part in working out the problem of continued existence. He who learns the lessons of labor under the parental roof will meet the demands of his own home and of the government under which he lives.

**53. The Family Teaches the Duties of Citizenship.** What parent does not instruct his child in the duties which arise from his relations to the civil authority? The duties of the voter and his responsibilities, the influence of each citizen in the preservation of good order, and the nature and bearing of the various questions which present themselves for solution at different times, are topics which receive candid consideration around the family circle.

**54. Lawlessness may Have its Root in the Lack of Family Discipline.** The child who does not learn to respect the law of the family will not yield willing obedience to the law of the state. Disrespect for home restraints will develop open opposition to the rights of society. If the homes of the people are lawless, society and state must suffer.

**Illustrations.** The formative influence of the family upon society may be seen in many reforms and changes that have been brought about. The spontaneous thought of the people is often expressed in the law or illustrated in social customs. Opinions which originate around the fireside may become the sentiment of the community and the state, and modified and improved, they may find a place among the statutes. The wonderful growth of the temperance sentiment is a case in point. "Fifty years ago wine drinking was very generally practiced even by ministers and church members." "Log-rollings," "huskings," "house-raising," and other rural gatherings were incomplete without wine or brandy. But now "the possibility of returning to the old order is not even admitted." The demand for public school instruction has likewise been rapid in its growth. At first the needs of the poor only were considered, but now schools are provided for all classes. While the individual family may not be known in the general summary of sentiment upon any one question, yet each has unconsciously acted its part and added something to the final result.

**55. Stimulating Questions.** 1. Is the family a divine or a human institution? Prove your position.

2. Name some of the moral lessons taught by the mother.

3. What effect does the life of a wicked father have upon his children?

4. Would a patriarchal government be possible in this country?

5. What are some of the duties which the older children owe to the younger?

## CHAPTER IV

### THE SCHOOL

**56. Purposes.** The general purpose of the school so far as the state is concerned, is the preparation of the children for the duties of citizenship. Education develops power to think, trains to correct conduct, and prepares in many ways for better living. Spencer says: "To prepare us for complete living is the function which education has to discharge." Proper educational training develops character,—well-rounded and symmetrical character,—which insures in the citizen those elements demanded by the best interests of the state. Painter says: "In its essential nature, education aims to develop a noble type of manhood." Correct knowledge and good mental power, with moral and religious force to direct them, give a reasonable assurance of future usefulness. Thus the interests of the individual are served and the demands of the state are met.

**57. Necessity.** Ours is a government of the people, for the people and by the people, and hence the necessity for a general diffusion of knowledge. An ignorant people are not fitted to exercise the responsible duties of such citizenship. Self-government is impossible without intelligence. The state accepts the obligation of providing for the education of all the children. As it demands

intelligence, it provides the means for its acquirement. As it demands training and skill in all matters which bring the individual in contact with the state, it has placed within the reach of each the means of acquiring them. State education is now recognized as a necessity, and every commonwealth in the Union has a system of public schools.

**58. Districts.** In order to reach the masses in a systematic way, provision has been made for the establishment and organization of school districts. These districts possess legislative, executive and judicial power, the school officers being clothed with all needful authority. They are the organized means through which the school system of the state is administered. It is through them that the public money is distributed. An unorganized district cannot secure any part of the public funds.

**59. Shape.** The school districts are usually more or less irregular in shape, the boundary lines being determined largely by questions of local convenience. The law prescribes the manner by which these boundaries may be changed at any time to suit the interests of the people. A school-house is located in each district and the children of that district have a right to the benefits of the school free from cost. Under such conditions as the school board may adopt others may be admitted to the privileges of the school.

**60. Powers of the People.** The school interests are managed by officers selected by the people for that purpose. The qualified voters of each district have been vested with important powers. These are exercised at the annual meeting which is held at the school-house on

the first Tuesday in April. The following is a summary of these powers as they have been gleaned from the school law of the state:—

1. To organize by the election of a chairman and a secretary.

2. To choose by ballot one director who shall serve for three years.

3. To fill vacancies in the school board, if any exist, for the unexpired term.

4. To determine, by ballot, (1) the length of the school term in excess of six months, and (2) the rate, if any, in excess of forty cents on one hundred dollars.

5. To vote money for the purchase of books for a district library. This is a power that ought to be exercised more frequently.

6. To decide upon proposed changes in the boundary lines of the district, fifteen days' notice having been given before the annual meeting.

7. To direct the sale of property no longer needed for school purposes, and to determine what disposition shall be made of the proceeds.

8. To vote, by ballot, for county school commissioner. This will occur only on the odd years, 1895, '97, etc.

9. To determine the levy for the purchase of a site, the erection of a school-house, or the furnishing of the same. In order to increase the levy for these purposes, the school board must submit the proposition to the voters of the district, giving fifteen days' public notice.

10. In newly formed districts, to determine the site of the school-house.



11. To change the school-house site. A majority vote of the legal resident taxpaying voters is necessary to move it toward the center of the district, while a two-thirds' vote is required to change it from the center.

61. A public notice is required to **increase the levy** for school purposes, to change the boundary for any purpose, to vote a direct tax for building purposes, to select a school-house site, to vote a loan for building, or to consider any special proposition.

62. **Qualifications of Directors.** The persons selected as members of the board of directors must possess certain legal qualifications. They must be (1) citizens of the United States, (2) resident tax-payers, (3) qualified voters of the district, and (4) they must have paid a state and county tax within one year preceding the election.

63. **Duties of the School Board.** The board should administer the affairs of the district with an eye single to the best interests of all concerned. The idea of personal advantage to self, or friend, or relative should not influence their course in the least particular. But there are certain duties given them and certain powers conferred upon them by the school law.

1. The school board is required to continue the schools of their district for a period of six months, if a tax of forty cents on the one hundred dollars together with other funds shall be sufficient to pay the expense.

2. The board is authorized (1) to borrow money for building and furnishing the school-house after the same has been ordered by a vote of the people, (2) to issue renewal funding bonds, (3) to sell or exchange these bonds, (4) to provide a sinking fund, (5) to levy a tax for



the payment of the annual interest, (6) to forward to the county clerk estimates of funds required by law or ordered by the annual meeting, and (7) to submit to a vote of the district any increase in the rate of taxation.

3. It is the duty of the board to employ legally qualified teachers to take charge of the schools. The contract must be made by the order of the board, and must be signed by the teacher and the president of the board, attested by the clerk. The board can not discharge a teacher for incompetency or immorality so long as his certificate has not been revoked by the county commissioner.

4. The board may provide for the admission of non-resident pupils, and must make all needful rules and regulations for the organization, grading, and management of the school. If the board fails to make needful rules, the teacher has the right to make them. All rules and regulations must be reasonable and needful, and pupils may be punished for their infraction.

**64. Vacancies in the Board.** Vacancies may occur in the office of director by death, resignation, refusal to serve, repeated neglect of duty, or removal from the district. In all cases of vacancy it becomes the duty of the remaining members to select some one to fill out the unexpired term. In case they cannot agree, the commissioner of the county must make the appointment.

**65. School Funds.** This work of organizing and managing the schools of a great state involves the expenditure of a large sum of money. Without some definite system of raising revenue the expense could not be provided for. But Missouri has a number of sources

of revenue, and her permanent school fund is one of the largest in the country. There are four permanent funds, besides the money raised by local taxation and by legislative appropriation.

**66. State Fund.** This fund had its beginning in the early history of the state, the saline land grants forming its nucleus. Among the sources of this fund are, proceeds from the sale of lands given to the state by the United States; other school funds not belonging to the counties, townships, cities, or towns; proceeds from the state tobacco warehouse; other moneys accruing to the state by escheat, from unclaimed dividends, or from gift. A part of this fund is invested in the bonds of the state and of the United States; and a part is secured by certificates of indebtedness against the state. Only the income from the fund is used.

**67. County Fund.** Each county has a permanent school fund which must be kept securely invested by the county court. It is increased annually by the proceeds from the sale of estrays, the clear proceeds of forfeitures and penalties, the fines collected for any breach of the penal or military laws, and by money paid for exemption from military duty. Only the interest arising from this fund is distributed to the various districts of the county.

**68. Township Fund.** The act authorizing the people of Missouri to form a state constitution with a view to her admission into the Union provided that the sixteenth section of every township should be set apart for the use of the schools of the township. Most of these lands have been sold, and the proceeds invested by the county courts as in the case of the county funds. The court

must keep separate accounts of the funds of each township, and distribute the income annually to the schools of the respective townships.

**69. Special District Fund.** This fund arises from "grant, gift, devise or special legislation." It is held in trust for the respective school districts.

**70.** The above are the **permanent funds** belonging to the schools of the state, and they amount at this time to a total of nearly twelve million dollars, —the largest fund of the kind belonging to any state in the Union.

**71. Local Funds.** But a large amount of the money expended for the support of public schools is raised by local taxation. Upon the receipt of the estimates from the various districts, it is the duty of the county clerk to assess the amount against the taxable property of said districts, subject to the following restrictions: (1) For school purposes, the regular rate is forty cents on one hundred dollars, but this may be increased in cities, towns, and villages, by a majority vote, to one dollar, and in country districts it may be increased to sixty-five cents; (2) For building purposes, the rate may be increased, by a two-thirds' vote, to the same limits as provided for school purposes. These taxes are collected at the same time and in the same manner as the state and county revenue.

**72. Legislative Appropriation.** The Constitution provides that the general assembly shall set apart at least twenty-five per cent. of the state revenue to the use of the public schools. For several years it has appropriated thirty-three and one-third per cent. to this use.

**73 Apportionment.** The state superintendent annually apportions the state school moneys to the various counties according to the number of children of school age, as shown by the returns in his office. The amount belonging to each county is certified by the superintendent to the county clerk. It then becomes the duty of the county clerk to apportion these and all other moneys for the use of the county to the various school districts. But if any district has failed to maintain a public school for at least six months during the preceding year, provided the forty-cent tax and other funds would enable it to continue the school that long, it is deprived of any part of the public fund for that year.

**74. The Teacher.** This chapter would be incomplete without a discussion of the teacher and his qualifications. The state has confided to the teacher very important trusts. He is to train the boys and girls for usefulness in life, to prepare them for the duties of citizenship. He is clothed with authority to govern the school to the end that he may do the work assigned him. The laws of the state support him in all reasonable demands made of the pupils.

**75. Qualifications.** The teacher should be free from prejudice, mild but firm, studious in his habits, and correct in his conduct. In addition to all the general qualifications which a wise board will require, there are certain legal conditions with which he must comply. He must pass a satisfactory examination upon the institute course of study as prescribed by the state authorities and make a proper grade upon the following branches: Arithmetic, language lessons, English grammar, geog-



raphy, spelling, reading, penmanship, United States history, civil government (including state government), and physiology and hygiene with special reference to the effects of alcohol, stimulants, and narcotics.

**76. Training.** In addition to the normal schools, teachers' institutes have been established by law in every county of the state except those that have adopted county supervision. The sessions of the institute continue from two to four weeks, and in addition to the work done in the common branches, instruction is given on the professional phases of the teacher's work. The institute is under the general control of a county institute board composed of the county commissioner and two other persons appointed by the county court. This board employs the conductor and instructors and issues warrants for the payment of expenses.

**77. Licensing Teachers.** The county commissioner and the conductor and instructors of the institute constitute the board of examiners who devote the last three days of the session to an examination of the teachers of the county. Three grades of certificates are issued, third, second, and first, valid for one, two, and three years respectively, in the county in which issued.

**78. Text-Books.** In 1891 the General Assembly enacted what is known as state adoption of text-books. By this law all public schools must use, for a period of five years, only such books in the common branches as have been adopted and contracted for by a school book commission composed of the state superintendent and four other persons appointed by the governor.

**79. Village Schools.** The school law provides for the organization of a common school district into what is termed a "city, town or village" district having special privileges. The proposition to thus change the organization must be submitted to the legal voters of the district at an annual or special meeting, a majority vote being necessary to decide the question. Such district is under the control of a board of six directors elected by the people for a term of three years, two being chosen each year. "When the demands of the district require more than one public school building therein, the board shall, as soon as sufficient funds have been provided therefor, establish an adequate number of primary or ward schools," dividing the district into school wards, fixing their boundaries, selecting sites, and erecting suitable buildings. The board may also establish a high school with a view to providing instruction in subjects above the common school branches. The schools must be kept open not less than seven nor more than ten months. Territory may be added to such districts by complying with the following conditions: (1) a petition signed by ten voters must be presented to the board; (2) the board must order a special meeting, proper notices being posted; (3) a majority of the voters must favor annexation; (4) if a majority of the board favor the proposition, the boundary is so changed as to include the new territory.

- 80. Stimulating Questions.**
1. Why not leave the education of the children entirely to private enterprise?
  2. Should the state maintain high schools?
  3. Explain what is known as the township system of schools.



## CHAPTER V

### THE MUNICIPAL TOWNSHIP

**81.** Thus far we have considered the family and the school district as units in our system of government. We come next, in regular order, to the **municipal township** which is more complex than either. Its chief function is governmental, looking, as it does, toward matters which pertain especially to the administration of the civil law so far as it bears upon local business.

**82. Purposes.** A municipal township is a political division of a county, organized for the purpose of government. It must be distinguished from the **congressional township** which is a territorial division made by the land surveys. The former doubtless grew out of the needs and conditions of an early civilization, and, though its jurisdiction and powers are limited, it still serves important ends in the administration of local laws. Officers are thus distributed among the people, the burdens of government are divided, and public convenience is subserved in many ways. It provides the means for the punishment of the smaller offenses, and other executive and judicial officers are relieved of a large amount of labor. The people are better provided with the protection of the law, and citizens have at their own doors a tribunal to determine the rights of property and settle other matters of dispute.

**83. Name.** The townships are formed and named by the county court, the boundaries being changed, or new townships being formed, whenever the public needs may require. A significant name is given to each, as Benton, Spencer, Reno, Walnut. The court must notify the secretary of state of all changes made in townships giving names and full particulars.

**84. Rights of Citizens.** The citizens of a township have a right to demand the immediate protection of the township officers. All qualified voters have a voice in the selection of public servants.

**85. Duties of Citizens.** Each citizen should perform all the duties imposed upon him. These will include compliance with the laws concerning education, the construction and repair of highways, and other important matters of local interest. Each voter should exercise great care in the selection of public officers for the administration of the law.

**86. Laws.** Every division and subdivision of the state is regulated by laws made by a responsible legislative body. As a rule each division possesses legislative, executive, and judicial powers, but in the case of the township most of the laws are made by the general assembly, the county court also having a limited legislative jurisdiction.

**87. Administration of the Laws.** There are but two kinds of officers in the township, the justices of the peace and the constables. The duties of the former are principally judicial while those of the latter are executive. The township also forms the basis for the election districts, one or more precincts being established in each.

**88. Justices.** Each township is entitled to at least two justices of the peace. In case the township contains a city or town of more than two thousand inhabitants and less than one hundred thousand, it is then entitled to one additional justice. If the township contains a city of one hundred thousand inhabitants and less than three hundred thousand, it is divided into districts not exceeding eight in number, each of which is entitled to one justice of the peace. Under certain circumstances, the county court may appoint additional justices, not exceeding two in any township. The city of St. Louis contains nine districts and nine justices.

**89. Election.** These officers are chosen at the general elections by the qualified voters of the township, for a term of four years.

**90. Qualifications.** To be eligible to the office of justice of the peace, a person must be a citizen of the United States, an inhabitant of the state twelve months, and a resident of the township six months immediately preceding his election.

**91. Powers and Duties.** Justices of the peace have jurisdiction throughout their respective counties. They issue warrants, attachments, and subpoenas, and administer oaths. They preserve the peace, try persons for the violation of the law, and require security of those who attempt to break the peace, or who are not of good fame. They have original jurisdiction of all civil actions for the recovery of money when the sum demanded, exclusive of costs and interest, does not exceed two hundred and fifty dollars; and also of all actions for damages against railroads for injuring or killing stock

within their townships, without regard to the amount involved. In cities of fifty thousand inhabitants, they have jurisdiction in sums not exceeding three hundred and fifty dollars, and in railroad cases as stated above. They may also determine whether a person accused of crime shall be held for trial in a higher court, and in the absence of the coroner, they may also hold inquests.

**92. Jurisdiction Denied.** The justice of the peace cannot try an action against an executor or administrator; nor an action for slander, libel, malicious prosecution, or false imprisonment; nor can he try an action involving the title to lands or tenements.

**93. The Justice of the Peace** is an important local officer, a proper discharge of his duties conducing to the peace, quiet, and good order of the community. The laws relating to his powers and duties, and the rules governing procedure in his court, cover no less than fifty pages of the revised statutes of the state.

**94. The Constable.** One constable is elected in each township by the qualified voters thereof, for a term of two years. In case the township has been divided into justice-of-the-peace districts, then one constable is elected for each district. The city of St. Louis is divided into nine constabulary districts and elects nine constables.

**95. Bond.** The constable must give a bond for not less than four hundred dollars nor more than ten thousand, conditioned upon the execution of all writs directed to him, the payment of all money received by him by virtue of his office, and upon the faithful discharge of all his duties as directed by law.

**96. Powers and Duties.** The jurisdiction of the constable is co-extensive with the county. He may serve warrants, writs of attachment, subpoenas, and other processes, civil and criminal, and exercise such other authority as may be conferred upon him by law. He shall receive and receipt for any claims that may be tendered him for collection, and he becomes financially responsible for the amount collected.

**97. Compensation.** The justice of the peace and the constable are paid by fees which range in amounts from five cents to two dollars, the law fixing the compensation for each duty.

#### TOWNSHIP ORGANIZATION.

**98. How Adopted.** The constitution and statutes of Missouri provide that the people of the county may adopt what is known as "Township Organization;" that is, the various townships organize for the purpose of complete local government, the principal amount of the business being transacted through township instead of county officers. On the petition of one hundred legal voters, the county court submits the question at any general election. If a majority of the legal voters of the county, voting at the election, favor the organization, then township officers are elected on the last Tuesday in March following.

**99. Powers of the Township.** By the adoption of this system, the townships of the county become corporate bodies possessing the following powers: (1) they may sue and be sued; (2) purchase and hold real estate within their own limits; (3) make contracts and purchase such personal property as may be necessary to the



exercise of their powers and functions ; (4) dispose of corporate property; and (5) purchase and sell such real estate as may be necessary to secure any debt to the township.

**100. Elections.** Elections are held every two years, on the last Tuesday in March, at the usual places of voting, or at such places as may have been previously agreed upon.

**101. Officers.** The following officers are chosen to serve the people: one trustee who is also treasurer of the township; one collector; one clerk who is also assessor; one constable; two members of the township board of directors; two justices of the peace; and one road overseer for each road district. In townships having more than two thousand inhabitants, an additional justice may be elected for every two thousand and until the number of inhabitants reaches six thousand. A member of the township board may hold also the office of justice of the peace, and the township clerk is also clerk of the township board.

**102. Eligibility.** To be eligible to any office in the township, a person must be a qualified voter and a resident of the township.

**103. Qualifications of Voters.** Every voter at any township election must be a legal voter at the general election, and a resident of the township for sixty days preceding.

**104. Duties of Officers.** The township treasurer receives and disburses all money collected to defray the township expenses. He must keep an itemized account of the sources of all money received, and he can pay out money only on the order of the township board.



**105.** The **Township Clerk** has charge of the books, records and papers belonging to his office ; and he may administer oaths when necessary in township business. As clerk of the township board, he keeps a record of its proceedings ; and he performs such other duties as usually pertain to such offices.

**106.** The **Assessor** makes a list of the real estate and personal property of the township for tax purposes.

**107.** The **Collector** "gathers up" the taxes, and pays over the school and township money to the township trustee, and the state and county money to the county treasurer.

**108.** The **Township Board** is composed of the trustee and the two members chosen by the voters. This body audits the accounts of the officers for their services, except the assessor ; passes upon other demands made against the township ; and levies all taxes for road, bridge, and other township purposes.

**109. Compensation.** The clerk, trustee, members of the board, road overseers, judges and clerks of election, receive one dollar and fifty cents for each day actually employed in the discharge of the duties of their respective offices. The clerk and the trustee may receive fees instead of *per diem*. The treasurer, as such, receives two per cent. of all money coming into his hands up to one thousand dollars, and one per cent. for all sums above that amount. The assessor receives fifteen cents for each personal list and ten cents for each tract or lot of land assessed by him and properly entered upon the books.

**110. Advantages.** The present township organization law dates from 1879. The people have been slow

in adopting the system, only about fifteen or twenty counties having organized under it. Yet very important advantages are claimed for the system. The following views from the Johns Hopkins' papers on local government are of interest in this connection: "In counties having township organization the people seem for the most part to be very much attached to it. It relieves those who live in distant parts of the county from the necessity of going to the county seat on purpose to pay their taxes. The people of the township are much more interested in the improvement of the roads than is the county court, and larger levies are more readily obtained. As a matter of fact the highest levies for road purposes are said to be in the organized townships, a fact which should be borne in mind, when the expense of the township is compared unfavorably with that of the county, for such an expense is indeed an investment yielding an increased return. The county court is often indifferent to the needs of a particular part of the county. \* \* Under township organization it is claimed that the collection of taxes is much closer than otherwise, thus making up in part for the increased expense of the township. \* \* The township is a great educator in local government, which is indeed one of the highest claims urged in its favor."

**111. Stimulating Questions.** 1. What is the name of the municipal township in which you live?

2. In what township is the county seat?

3. Name all of the municipal townships in your county.

4. How many voting precincts are there in your county?

5. Has your county adopted township organization?

## CHAPTER VI

### THE COUNTY

**112.** The state of Missouri is divided into one hundred and fourteen counties and the city of St. Louis, each of which has a separate corps of officers charged with the administration of the law.

**113. Relation to the State.** The county is the most important division of the state, since it exercises most of the local governmental powers. Its function in state government is fundamental, as will appear as we proceed. True there are laws which are general to the state, and there are officers whose duties pertain to the state as a whole, yet the county is the organized means through which the state exercises its authority. The revenues of the state are levied and collected by the county. The county is a unit in the election system, and the state receives the returns as they are reported by county officials; representatives are chosen by counties or by districts in the county; and justice is administered through courts which have their county limits or boundaries.

**114. County Government.** County government is much more complicated than either of the divisions considered in previous chapters. It is very complete in its organization and secures to the people the general protection of the laws of the state. In Missouri, county

government is republican in form, having three departments, legislative, executive, and judicial. The county court possesses some legislative power, a number of the county officers are given executive authority, and the judicial power is vested in the courts of law.

**115. County Seat.** The county seat is the capital of the county, and it is usually centrally located. The official business is transacted here, and here are found the public buildings and county offices. All public records are kept at the county seat. These include deeds, mortgages, and other land records; the wills of deceased persons, and such other important court documents as may be of public interest.

**116. Election.** All county officers are elected by the people of the county, the election being held on the first Tuesday after the first Monday in November.

**117. Official Bond.** Before entering upon his duties, each officer is required to take the oath of office and to give a bond with good and sufficient security for the faithful discharge of his duties.

**118. Official Tenure.** All officers elected or appointed under the laws of Missouri serve until their successors are commissioned and have qualified.

**119. Removal from Office.** The powers and duties of each officer are prescribed by law. Any official who transcends his authority becomes liable for damages; and for failure to devote his personal attention to his prescribed duties, he shall forfeit his office and be removed therefrom.

**120. Compensation.** With the exception of the judges of the county court who receive five dollars per day and mileage, and the prosecuting attorney who

receives a salary and fees, the county officers are paid by fees. The amount of the fee is limited by law. Stated salaries are paid also in counties of 100,000 inhabitants.

**121.** The various officers of the county will be taken up in the following paragraphs, and their qualifications and duties will be given in detail.

**122. County Court.** The county court is composed of three judges : the presiding judge, who is elected from the county at large for a term of four years, and two associate judges who are elected from their respective districts for a term of two years.

**123. Qualifications.** The duties and responsibilities of the county court are such as to require careful judgment and good business ability. Important trusts are reposed in this court, and the officers composing it should carefully consider the public interests. The legal qualifications require that the judge shall be (1) twenty-four years old, (2) a citizen of the United States five years, and (3) that he must have been a resident of the county one year next preceding his election.

**124. Powers and Duties.** The powers and duties of this body are numerous, and they involve large interests. The county court has control of the personal and real property belonging to the county, which it may dispose of as the needs and demands of the people may require. It audits and settles accounts against the county, issues licenses to certain businesses, and lends such portion of the funds as may not be needed in the transaction of business. The court provides polling places, approves the bonds of county officers, and has general control of roads and bridges. It settles with the county treasurer



at stated times, lets contracts for the working of prisoners confined in the jail, and attends to many other matters looking to the general interests of the people of the county. An itemized statement of all receipts and disbursements must be published at least once each year. By this means the people may know the financial condition of the county, and they are informed also concerning the use that has been made of the various funds. The county judges are also conservators of the peace in their counties.

**125. Terms.** Four terms of court are held each year, the times being the first Monday in February, May, August, and November. In counties containing seventy-five thousand or more inhabitants, the county court must meet monthly. Special meetings are held whenever the business of the county may require.

**126. County Clerk.** The county clerk is the clerical officer of the court. He is elected for a term of four years.

**127. Qualifications.** The county clerk must be above twenty-one years of age, a citizen of the United States, and he must have been a resident of the state one year and of the county three months.

**128. Duties.** He (1) keeps a record of the proceedings of the county court, including all rulings, orders, and judgments; (2) keeps an account of money received and of money due the county; (3) attests processes and affixes the seal of his office; (4) issues warrants for money ordered by the court to be paid, and (5) performs such other duties as the law imposes.

**129. Circuit Clerk.** The same qualifications are required of the circuit clerk as of the county clerk. He is elected for four years.



**130. Duties.** In counties where the office of circuit clerk has been separated from that of recorder, the principal duties of the clerk are about as follows: 1. He makes out the docket of the circuit court. 2. He keeps a record of the proceedings of the circuit court, including orders and judgments. 3. He issues and attests such processes as the law may require. 4. He keeps an account of all moneys coming into his hands.

**131. Recorder.** In counties of ten thousand inhabitants, the county court may separate the offices of circuit clerk and recorder. In other cases the powers and duties of both devolve upon the former. The recorder's term of office is also four years.

**132. Duties.** In books prepared for the purpose, the recorder must keep a correct record of the following:— All deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, and other instruments of writing concerning lands and tenements, goods and chattels, authorized to be recorded; all papers and documents concerning lands and tenements received from the Spanish and French authorities; marriage contracts and certificates of marriage; official bonds and commissions required by law to be recorded; a list of the births in the county, including a number of items required by law; and he must keep also an "abstract and index of deeds." He must report to the county court all fees received, but he is allowed to retain four thousand dollars as compensation for his services.

**133. Sheriff.** The sheriff is the police officer of the county. He is elected for a term of two years, but he cannot serve for more than two terms in succession; that

is, he cannot serve longer than "four years in any period of six."

**134. Duties.** The sheriff is a conservator of the peace in his county. He "quells and suppresses assaults and batteries, riots, routs, affrays and insurrections;" apprehends felons and traitors, and executes legal processes directed to him, including writs of replevin and attachment and final processes of justices of the peace. He notifies jurors of their appointment, and attends upon the sessions of the courts of record of his county. He has charge also of the jail and the prisoners, and is responsible for their safe-keeping. For the purpose of preserving the peace his power is almost unlimited.

**135. Assessor.** The assessor holds his office for a term of two years. He makes a list of all the taxable property in the county, assessing it at what he believes to be its actual cash value.

1. Between the first of June and the first of January of each year he makes a list of the personal property in the county.

2. Once in every two years, he must make assessment of the real estate within his jurisdiction.

3. After diligent effort to ascertain all the taxable property in the county, he makes out what are called the **assessor's books**. After these have been passed upon by the board of equalization they are then turned over to the collector.

**136. County Equalization Board.** This board is composed of the county court, county clerk, surveyor, and assessor. They review, adjust, and equalize the assessments of property as made by the county assessor.

**137. Collector.** The name of this officer suggests his general duty. He is elected for a term of two years.

1. After receiving the tax books, he notifies the taxpayers of each township of the time and place of collecting taxes.

2. He receives all taxes and properly accounts for them.

3. On application, he must furnish non-resident property owners a statement of taxes due from them.

4. Under certain rules and conditions, the collector may sell property for the payment of taxes. Neither real estate nor personal property is exempt from seizure and sale for this purpose.

5. Taxes become delinquent after the first of January, and at this time the collector is required to make a list of all unpaid taxes.

6. He is required to pay monthly to the state and county treasurers all taxes and licenses collected.

**138.** The law requires that the **offices of sheriff and collector** shall be kept separate and distinct, but it provides, also, that the same person may hold both offices.

**139.** The collector is **paid by fees**, the rate varying with the amount of the tax levy in each county.

**140. Treasurer.** The treasurer is the custodian of the money belonging to the county. He pays out funds only on warrants properly attested, a list of which he keeps in a book provided for that purpose.

**141.** His **term of office** is two years, and he cannot serve for more than two terms in succession.

**142.** He is allowed such **compensation** as the county court may deem just and reasonable.

**143. Prosecuting Attorney.** The prosecuting attorney is elected for a term of two years, said term beginning on the first day of January.

**144. Qualifications.** He must be learned in the law, duly licensed and recorded as an attorney in this state, and he must be at least twenty-one years of age.

**145. Duties.** Much depends upon a faithful discharge of the duties of this office. Lawlessness may be encouraged by a loose administration of the law, while a firm enforcement of its provisions against evil doers may prevent violence and bring order and peace to a community. His specific duties are about as follows:

1. He commences and prosecutes all civil and criminal actions in which the state or county is concerned.
2. He defends in all suits against the state or county.
3. He looks after debts, fines, penalties, and forfeitures accruing to the state or county.
4. He represents the county in all matters of law, investigating claims against the county, and drawing contracts relating to county business.
5. He is the legal adviser of the county and township officers, and of the grand jury during its sessions.

**146. Compensation.** Besides certain fees which are allowed the attorney, his salary ranges from three hundred dollars to one thousand dollars, according to the number of inhabitants in the county. His salary is paid quarterly out of the county treasury upon a warrant issued by order of the county court.

**147. Surveyor.** The county surveyor is elected for a term of four years.

**148. Duties.** 1. Upon the order of any court of record, he surveys or re-surveys any tract of land the title

of which is in dispute before the court. 2. He surveys at their own expense any lands or town lots belonging to individuals, when called upon and tendered his legal fees. 3. He is required to keep a careful record of all surveys made. 4. Upon the payment of the fee, he furnishes a copy of any survey to the person making the demand. 5. He is a member of the county board of equalization and as such has additional duties. 6. By virtue of his office, he is commissioner of roads and bridges, and in this capacity he receives such compensation as the county court may determine, not exceeding three dollars for each day actually employed.

**149. Probate Judge.** One probate judge is elected in each county for a term of four years. Besides being a conservator of the peace, his specific duties are about as follows :

**150. Duties.** He attends to the settlement of estates belonging to deceased persons, securing correct accounts from executors, administrators, curators, and guardians. He also appoints guardians of minors and of persons of unsound mind, has supervision of apprentices, and may solemnize marriages.

**151. School Commissioner.** The school commissioner is elected by the qualified voters of the county at the annual school meeting on the first Tuesday in April, for a term of two years.

**152. Qualifications.** He must be at least twenty-one years of age, must have been a resident of the county at least one year before his election, and he must hold a teacher's certificate to teach in the county.

**153. Duties.** 1. During the vacation of the institute,



he examines applicants for certificates. 2. He is a member of the county institute board whose duties have been given in a previous chapter. 3. He must keep a record of all certificates granted. 4. He must supply the school officers with copies of the school law and with proper blanks for making reports. 5. He must make an annual report to the state superintendent, giving, in condensed form, the educational statistics of his county. 6. Under certain circumstances, he may settle disputes concerning the boundary lines of school districts.

**154. Compensation.** 1. For making his annual report he receives from twenty to forty dollars, the amount depending upon the population of the county. 2. He receives ten dollars for services as a member of the county examining board, and in case he is not one of the instructors in the institute, this amount is increased to forty dollars. 3. For each teacher examined in the vacation of the institute, he receives one dollar and fifty cents. 4. For deciding disputes concerning boundary lines, he is allowed five dollars.

**155.** In case a county adopts **county supervision** as provided by law, the commissioner devotes his entire time to the duties of the office, and he receives a stipulated salary for his services as determined by the number of educable children. The amount ranges from two hundred dollars to one thousand dollars.

**156. The Public Administrator** takes charge of estates belonging to strangers who die in the county without relatives and also of those persons who die without known heirs. He takes charge of property exposed to loss or damage; acts as curator to minors not having a



guardian; and takes charge of the persons of all minors under fourteen who are without parent or guardian.

**157. Coroner.** It is the duty of the coroner "to inquire into the cause of the death of persons who have died by violence, or suddenly, and by means unknown." The investigation is made by means of a jury who examine witnesses and determine as far as possible the cause of the death. When the sheriff is disqualified from any cause, the coroner performs his duties.

**158.** In the preceding chapter some of the advantages of the township system of local government were stated. But it must be evident to every one that the **County System** has many points of superiority. In a large number of the counties of Missouri it is certainly well adapted to securing the ends of good government. In the sparsely populated portions the people find it especially suited to their needs and circumstances. It secures to them better service from the officials, and that too at less expense, than could be secured under township organization. The people are familiar with its methods and they will be slow to change to something new.

**159. Stimulating Questions.** 1. Name other qualifications besides those required by law for sheriff, treasurer, and the clerks.

2. Why should one county officer serve for a longer time than another?

3. Name some of the duties of voters in the selection of county officers.

4. Should the office of school commissioner be so changed as to include a closer supervision of schools?

## CHAPTER VII

### THE CONGRESSIONAL TOWNSHIP

**160.** In Chapter V. we have considered at some length the municipal township, giving a tolerably full outline of it as a part of our local system of government. It has certain officers and possesses certain powers. But the **congressional township** differs materially from this. In Missouri, it is not a civil division of the state at all. It is a unit in the general system of land surveys, without political power or significance. Congressional townships are practically uniform in shape and area.

**161. Practical Importance.** As it is of great practical importance, however, and as it has such close relation to many of the official records of the county, it is believed that a chapter given to its consideration will serve a good purpose.

**162.** Who has not heard of "corners," and "sections," and "townships;" of half-sections and quarter-sections? Owners of real estate and many others have frequent occasion for using these terms in locating and describing lands. Tracts of land advertised for sale for the payment of taxes and for other purposes are designated by use of such terms. Titles, mortgages, and abstracts would be incomplete without the use of ranges, townships, sections, and fractional parts of sections.

**163. Public Lands.** The United States formerly controlled extensive areas of public lands. Probably no less than two billion acres have been offered for sale by the national government. But in order to transfer it, and in order to fix the boundaries of each man's personal possessions in real estate, it was necessary that surveys should be made and fixed lines established.

**164. Surveys.** Hence, the entire territory, including what is now the state of Missouri, has been very carefully surveyed by the United States government. It has been laid off into uniform and symmetrical areas, the limits being fixed by lines that are definitely located. These areas or divisions are known as ranges, townships, sections, and parts of sections. The lands are thus definitely defined and accurately located and described. A tract is designated by range, township, and section.

**165. Standard Lines.** As there must be an authorized starting point, what are known as meridians and base lines have been established by the government by means of astronomical measurements. The meridian lines extend north and south, while the base lines extend east and west. Parallel to these as standards, and six miles apart, other lines were run, thus dividing the surface into townships, each containing, as near as the figure of the earth will permit, thirty-six square miles or sections. The lines running north and south are called range lines, and those extending east and west are known as township lines.

**166. Townships.** The townships are numbered north and south from the base line, and a series of them is known and designated as a range. The ranges are numbered east and west from the meridian line.

**167. Sections.** The townships are subdivided into sections by the running of lines east and west and north and south at a distance of one mile apart. Each section contains six hundred and forty acres, which may be divided into smaller tracts and designated as fractional parts of a section, as half-section, quarter-section, half a quarter, etc. The figure on page 63 represents a township as divided into thirty-six sections. The sections, as will be seen, are numbered, beginning in the northeast corner and alternating from east to west and from west to east, until the thirty-sixth section is reached in the southeast corner of the township. The sections are divided into halves, quarters, eighths, and sixteenths, as shown in section sixteen.

**168. Marking Lines.** All lines upon which legal corners are established are definitely marked so that they may be easily followed. The trees which intercept a line have two notches on each side, and they are called line or sight trees. Other trees standing near are blazed on two sides in such a way as to render the lines conspicuous and easily traced.

**169. Corners.** Boundary corners are also located and marked so as to be easily found. In a timbered country, the corner is a tree, if one is found on the exact spot; if not, a post is planted, and its position marked by adjacent trees, the bearings and distances being noted in the field book. In stony regions, a township corner is marked by a monument of stones near a single marked stone; other corners are marked by a single stone. In other cases, corners are marked by mounds of earth, the size varying to suit the case. Township corners are

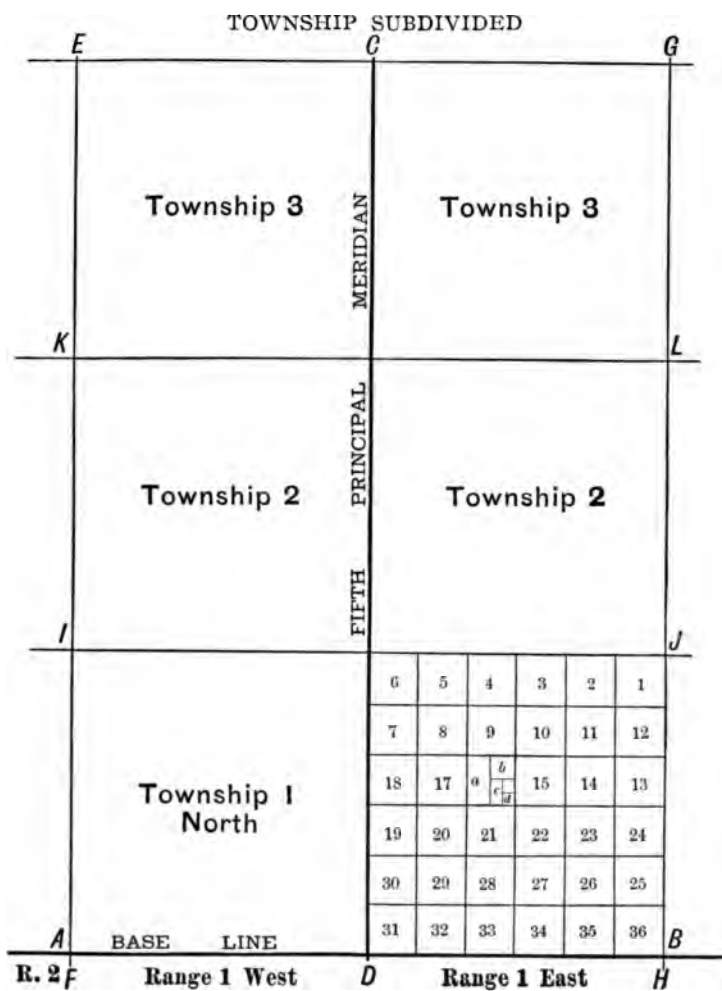
found at intervals of six miles ; section corners at intervals of one mile ; and quarter section corners, at intervals of half a mile.

**170. Meridians.** There are twenty-four principal meridians in the United States, six being designated by numbers and eighteen being known by specific names. The one from which the ranges in Missouri are numbered is the " Fifth Principal Meridian." It extends north from the mouth of the Arkansas river, passing thirty-six miles west of St. Louis.

**171. Base Lines.** There are more than twenty base lines in the United States. The one from which the townships in Missouri are numbered extends through northern Arkansas, beginning at the mouth of the St. Francis river.

**172.** By a careful study of the **map** opposite this page, all of the foregoing points and explanations may be fully comprehended.

**173. Explanatory.** A B is the base line. C D is the principal meridian. E F and G H are range lines. I J, and K L, and E G are township lines. Township 1, range 1, east, has been divided into thirty-six sections each of which contains six hundred and forty acres. Section 16 has been subdivided, and " d " would be designated as the southeast quarter of the southeast quarter of section sixteen, township 1, north, range 1, east. The division represented by " c " would be described as the west half of the southeast quarter, etc. The division " b " would be designated as the northeast quarter of section 16, T. 1 N., R. 1 E. The division " a " would be designated as the west half of section 16, T. 1 N., R. 1 E.

**174. Map of Congressional Townships.**



**175. Conveyances.** Lands, estates, or interests therein, may be conveyed by a properly executed deed, made by the owner, his agent, or attorney. Individuals or private corporations are competent to make such deeds. Certain general forms have been adopted for this purpose, the persons making the transfers filling them out and properly signing them. The law requires that all such must be proved or acknowledged before the proper officer, a certificate of which is endorsed on the instrument by the officer. Acknowledgment of transfers of lands within the state may be taken by notaries public, clerks and judges of courts having seals, or by a justice of the peace of the county in which the real estate is situated. If the property affected is without the state, then this service may be rendered by any notary public, by any state or national court, having a seal, or the clerk of such court, or by any commissioner of deeds appointed by the governor of Missouri. After this the instrument should be recorded, and that too without delay. Upon this point the statutes say: "Every instrument in writing that conveys any real estate, or whereby any real estate may be affected, in law or equity, proved or acknowledged and certified in the manner hereinbefore prescribed, shall be recorded in the office of the recorder of the county in which the real estate is situated." All such instruments give notice of their contents to all persons from the time they are filed with the recorder, and purchasers are deemed to purchase with notice.

**176. Stimulating Questions.** 1. In what range, township, and section do you live?

2. In what range and township is the county seat?

## CHAPTER VIII

### CITIES AND VILLAGES

**"God made the country, and man made the town."**

**177. Cities and towns** require a separate and distinct organization from that of the county or the township. "The county and state officers have the same powers and duties in cities as in the country, but owing to the massing of large bodies of people upon limited territory, a strong organization with extensive powers is needed." The demands of efficient local government require additional laws and the means for their execution. The public interests have been multiplied, and they must be protected. Streets and alleys must be established and kept in repair; sanitary conditions must be looked after; protection must be provided against fire, disease, and nuisances; the paupers must be cared for, hospitals established, and schools organized; provision must be made for water and light; and methods must be adopted for the enforcement of police regulations.

**178. Incorporation.** Previous to the adoption of the present constitution, the cities and towns of Missouri had been organized either under the general law or under special charters granted to them by the Legislature. These incorporated cities may retain their old organizations or they may avail themselves of the privileges now

provided for their respective classes, as determined by their population. In order to reorganize under the present law, an ordinance containing such proposition must be submitted to a vote of the people. If a majority of the voters voting at the election ratify the ordinance, then the mayor or chief officer of the town declares the result, and the town is organized as provided by law.

**179.** In the case of an unincorporated town, it must proceed as follows: A petition signed by a majority of the citizens must be presented to the county court, and if satisfied that a majority of the tax-paying citizens have signed it, the court shall declare the city or town incorporated, setting forth the metes and bounds, and designating the first corps of officers.

**180. Officers.** In towns and cities legislative, executive, and judicial officers are elected whose duties and jurisdiction lie within the scope of city laws and ordinances. Except in so far as the statutes of the state may prescribe otherwise, they are the servants of the people of the city or town and must account to them for the faithful discharge of duty.

**181. Wards.** For convenience in voting and in the execution of the law, cities and towns are divided into wards, the number varying according to the population. Voting precincts are established in each ward, and each citizen must vote in his own precinct. One or more members of the municipal legislative assembly are elected from each ward.

**182. Finances.** In order to meet the expenses of the city government, the corporate authorities thereof have "power to assess and collect taxes." The state, by

its constitution, imposes certain limitations and prohibitions which will be considered in the chapter on Revenue. Those who live within the corporate limits of a city or town must pay taxes for the support of the local government thereof in addition to the taxes paid to the county and state. The city has the power also to borrow money for use in the construction of public works, such as waterworks, public parks, public buildings, and other improvements.

**183. Lessons.** The city has its disadvantages but it has also its advantages and teaches some valuable lessons. It is in the cities that we find many of our most successful institutions. The best systems of schools are found in the large cities. Here we may learn how to build roads, get valuable lessons in caring for the poor, and learn the best means for preserving health. Here are elegant buildings, extensive and beautiful botanical gardens, and every form of artistic display. Well equipped libraries afford extended means for general culture, while the public lecture and the refining influences of the literary spirit are strong for good.

**184. Serious Problems.** But the city presents many serious problems also. The gathering of many people into a limited territory gives rise to conflicting interests. The vicious elements drift into these places and become sources of much annoyance to law-abiding citizens. It is in the city also that we quite frequently find conspicuous examples of the mismanagement of public affairs. Among the evils most frequently mentioned are bribery, misappropriation of funds, perversion of the ballot, and corruption in various other forms. City government is



often the theme of the magazine article and the newspaper editorial.

**185. Classification.** The constitution of Missouri says: "The general assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the powers of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions." In accordance with this provision, cities have been divided into classes as follows:—

**Cities of the Fourth Class**, containing 500 inhabitants and less than 3,000, and all towns having less than 500 which may elect to become such.

**Cities of the Third Class**, containing 3,000 and less than 30,000.

**Cities of the Second Class**, containing 30,000 and less than 100,000.

**Cities of the First Class**, containing 100,000 and above.

**186.** The government of each of the above classes is separately outlined in the statutes of the state, the qualifications and duties of officers, and the general powers of each class being given in detail. We take them up in the reverse order of their classification as given above.

**Cities of the First Class.**—100,000 or more inhabitants.

**187. Elections.** The general elections for cities of this class are held every four years, on the first Tuesday in April. The law requires the registration of all voters in cities of the first class and in cities whose population entitles

them to become such. The qualifications for voting are the same as those required for voting for state officers.

**188. Legislative Body.** The legislative power is vested in a "Municipal Assembly," composed of the council and the house of delegates. The council is composed of thirteen members who are elected for a term of four years. Each member must be (1) a qualified voter, (2) at least thirty years of age, (3) must have been a citizen of the state five years, and (4) must have been an inhabitant of the city and a property owner in the same for one year next before election. The house of delegates consists of one member from each ward, chosen for a term of two years. Each member must be (1) at least twenty-five years of age, (2) must have been three years a citizen of the United States and an inhabitant of the city, (3) a resident of the ward one year, and (4) he must have paid state and county taxes for two years next preceding his election. The assembly meets annually.

**189. Municipal Assembly Powers.** The statutes enumerate a large number of these. We call attention to the following as being the more important ones:—

1. They may levy and collect taxes, and provide for debts and expenses.

2. They may open and improve streets and sewers; maintain fire, health and police departments, and provide water-works for the city.

3. They have the care and management of the public parks, and they have power to erect, rent or purchase municipal buildings.

4. They control harbors, ferries, and wharves, and grant licenses for various kinds of business.



5. They regulate hospitals, quarantine against disease, and abate nuisances.

6. They provide for restraining riots and disorderly assemblies, and pass laws restraining stock from running at large.

7. They may grant franchises.

8. They provide for the poor and insane.

9. In short, they have power to pass such laws as will be for the general welfare of the city.

**190. Elective Officers.** The following officers are elected every four years: Mayor, Comptroller, Auditor, Treasurer, Register, Collector, Recorder of Deeds, Inspector of Weights and Measures, Sheriff, Coroner, Marshal, Public Administrator, President of the Board of Assessors, and President of the Board of Public Improvement. The mayor is the chief executive officer.

**191. Appointive Officers.** The mayor, by the consent of the council, appoints the following officers for a term of four years: City Counselor, District Assessors, Superintendent of the Work-house, Superintendent of the House of Refuge, Superintendent of Fire and Police Telegraph, Commissioner of Supplies, Assessor of Water Rates, two Police Judges, Jailor, five Commissioners of Charitable Institutions. A Recorder of Voters is appointed by the governor.

**192. Qualifications of Officers.** All officers, elective and appointive, must possess the following qualifications:

1. They must have been citizens of the United States at least two years. 2. They must be able to read and write the English language. 3. They must not be in arrears to the city for taxes, or in any other way. 4. They must

not be interested in any contract with the city. 5. Excepting the commissioners of charity, they shall not hold any state or federal office. In addition to the above the mayor must be at least thirty years of age.

**193. Duties.** The duties of each officer are prescribed by the laws of the state. The name of the office, however, will usually suggest the nature of the duties of the position.

**194. Judicial.** The police justices are conservators of the peace of the city, and they have jurisdiction over cases arising under the ordinances and under the laws governing cities of this class.

**195. Compensation.** The Municipal assembly fixes the salaries of all officers, but no officer is allowed to receive more than five thousand dollars.

**196. St. Louis and Kansas City** are the only cities in the state whose population entitles them to organize as cities of the first class, but the former is organized under what is known as the "Scheme and Charter."

**Cities of the Second Class.** 30,000 to 100,000 inhabitants.

**197. Legislative Body.** The legislative power of cities of the second class is vested in a common council, composed of two resident aldermen from each ward, one being elected by the voters of the city at large, and the other being chosen by the voters of the ward. The election is held on the first Tuesday after the first Monday in April. Aldermen are chosen for a term of two years, the terms of one-half of the body expiring in one year and those of the other expiring the next year.

**198. Qualifications.** Aldermen must be at least

twenty-one years of age; they must have resided in the city one year and in the ward six months; they must be citizens of the United States, voters of the city, and city tax-payers; they must not be in arrears to the city for taxes or otherwise, neither must they be interested in any way in any contract with the city or with any of its institutions.

**199. Powers.** The statutes of the state enumerate forty-three powers of the common council, but they agree in the main with those given under cities of the first class.

**200. Elective Officers.** The qualified voters elect a mayor, judge of the police court, city attorney, city auditor, and city treasurer, who hold their respective offices for a term of two years.

**201. Appointive Officers.** The mayor, by and with the advice and consent of the common council, appoints a city clerk, engineer, assessor, counselor, and comptroller who serve for a period of two years.

**202. Qualifications.** No person can hold any office under the city who is not a qualified voter of the city, a citizen of the United States and of Missouri, and who has not lived in the city one year next preceding the election. The mayor must possess in addition the qualifications of an alderman.

**203. Police Board.** The governor of the state, by and with the advice and consent of the senate, appoints a board of three police commissioners, who hold office for three years. This board appoints the police officers and police force, and has general control of the enforcement of all police regulations.

**204. Judicial.** In cities of the second class, the police judge is the judicial officer, and he has jurisdiction over all cases arising under the city ordinances. In the absence of the judge, he may designate some justice of the peace to act in his stead.

**205. Revenue.** The city has full power to levy and collect taxes for the payment of all expenses incurred in the administration of the local government.

**206. St. Joseph** is the only city in the state belonging to this class.

**Cities of the Third Class.**—3,000 and less than 30,000 inhabitants.

**207. Elections.** All elections are held under, and governed by, the general election laws of the state, and the time is the first Tuesday in April.

**208. Elective Officers.** The following officers are elected for a term of two years: mayor, marshal, police judge, city attorney, treasurer, assessor, and collector. The attorney must be learned in the law.

**209. Legislative Body.** The city is divided into at least four wards, and two councilmen are elected from each for a term of two years, one being selected each year.

**210. Qualifications.** The mayor must be at least thirty years of age, a citizen of the United States, and a resident of the city for two years. A councilman must be twenty-five years old, a citizen of the United States, and a resident of the city one year and of the ward six months.

**211. Duties of Mayor.** The mayor is the president of the council, has supervision over all officers and over the affairs of the city in general. He signs drafts, commissions officers, and must be "active and vigilant in the



enforcement of all laws and ordinances." By the consent of the council, he appoints a street commissioner and such other officers as may be authorized by ordinance.

**212. Powers of the Council.** The mayor and council have general control of the city and its finances. They may enact such laws as are necessary to the peace and good order of the community. They look after trade and commerce and make regulations for preserving the health of the inhabitants. They authorize the levying and collecting of taxes, and provide for opening, grading, and repairing streets. They also fix the compensation of all officers and employees of the city.

**213. Judicial.** The police judge is a conservator of the peace. He has exclusive original jurisdiction over all offenses against the city ordinances.

**214. Assessment of Property.** The assessment of real and personal property of the city is made by the city assessor, jointly with the county assessor, and the two assessments must accord with each other. After it is passed upon by the board of equalization, it is taken as the basis for the levy of city taxes.

**215.** There are thirty-two cities and towns in the state whose population would permit them to organize as cities of the third class.

**Cities of the Fourth Class.**—500 and less than 3,000 inhabitants.

**216. Elections.** The general election of officers for cities of the fourth class is held every two years on the first Tuesday in April, at such place as may be fixed by ordinance.

**217. Officers.** The qualified voters elect a mayor,



marshal, collector, and board of aldermen, who serve for a period of two years. Provision may be made for the election of a police judge also. The mayor, with the consent of the board, appoints a treasurer, street commissioner, and city attorney. The board appoints a clerk who keeps a record of the proceedings of all meetings.

**218. Wards.** The city must be divided into at least two wards, from each of which two aldermen are elected, one each year.

**219. Qualifications of Officers.** The mayor must be twenty-one years of age, a citizen of the United States, and one year an inhabitant of the city. An alderman must be twenty-one years old, a citizen of the United States, an inhabitant of the county for one year preceding the election, and he must be a resident of the city. No one who is in arrears for taxes, fines, or otherwise, is eligible to any appointive or elective office.

**220. Powers.** Numerous powers are given the mayor and board of aldermen. They may pass ordinances regulating the construction and repairing of streets; provide for the granting of licenses and the restraining of animals; and in short, pass all laws which may be necessary for the preservation of life and the protection of property.

**221. Taxes.** The county clerk furnishes the mayor with an abstract of the assessed valuation of the property within the city, and upon this the board fixes the rate, and assesses the municipal tax. Besides the regular tax the board may provide for a poll-tax, wharfage, etc.

**222. Duties of the Mayor.** Among the general

powers and duties of the mayor are the following : he is the chief executive officer and hence he must enforce the laws and have general supervision of the city ; he commissions officers and signs drafts against the town treasury ; for the purpose of enforcing the law, he has power to call out every male inhabitant between the ages of eighteen and fifty ; he presides at all meetings of the board, and has power to approve or veto ordinances passed by that body. He is required to make an annual report to the board and he may require other officers to make similar reports, giving an exhibit of their accounts and papers. As a judicial officer, he is a conservator of the peace, and has power to hear and determine all cases arising under the ordinances of the city.

**223.** There are about **one hundred and ninety** cities and towns in the state whose population entitles them to organize as cities of the **fourth** class.

**224. Villages.** The organized village has the simplest form of municipal government.

**225. Incorporation.** Villages are incorporated by the county court on the petition of two-thirds of the taxable inhabitants. If satisfied that the petition is reasonable the court sets forth the metes and bounds as suggested in the petition, and appoints the first board of trustees.

**226. Board of Control.** The corporate powers of villages are vested in a board of trustees, composed of five members in villages whose population does not exceed twenty-five hundred, and of nine members if the population exceeds that number.

**227. Elections.** The trustees are elected by the

qualified voters, on the first Tuesday after the first Monday in April of every year.

**228. Qualifications of Trustees.** To be eligible to the office of trustee, a person must be twenty-one years of age, a male citizen of the United States, an inhabitant of the village, and a resident therein for one year next preceding the election, and he must also be a householder within the limits of the town.

**229. Powers of the Board.** The board possesses legislative, executive, and judicial powers. The board elects its own chairman, and appoints the assessor, collector, marshal, treasurer, and such other officers as may be necessary. The board also judges of the qualifications, election, and returns of its own members. The additional powers possessed by the trustees do not differ materially from those belonging to cities of the fourth class.

**230. Powers and Duties of the Chairman.** The chairman of the board of trustees is the chief officer of the village. He is a conservator of the peace, and hears and determines offenses against the ordinances. He must keep his office open every day except Sunday for the immediate trial of offenses. He issues warrants for the arrest of offenders, and enforces all orders, rules, and judgments made by himself. He must keep a docket of all causes brought before him, and on the first day of March and of September, he must make a report of all moneys received and expended by the village during the preceding six months.

**231. Revenues.** The chairman of the board secures from the clerk of the county court a certified abstract



from the assessment books of all property within the limits of the village. This is taken as the lawful assessment on which to levy and collect the municipal taxes. The same rules and regulations maintain in the collection and care of the revenue as in the case of state and county taxes.

**232. St. Louis.** The city of St. Louis occupies a unique relation to the state. By the authority of the constitution it was allowed to "extend its limits so as to embrace the parks then without its boundaries, and other convenient and contiguous territory, and to frame a charter for the government of the city." By the plan adopted the city is entirely separated from the county of St. Louis, and sustains to the state the relation of a county. It has its own representation in the general assembly, collects the state revenue, and performs other similar functions. It is exempt from county taxes, and has its own **Separate Corps of Officers**. The municipal assembly, composed of two houses, possesses legislative power. The mayor is the chief executive. The judicial authority is vested in a circuit court, a criminal court, and a court of criminal correction.

**233.** The organization, so far as officers and general plan are concerned, does not differ greatly from that of cities of the **first** class.

**234. Stimulating Questions.** 1. What are the tendencies of municipal government at this time?

2. What are some of the best methods of dealing with the irresponsible and lawless element?

3. Make a full report of the organization of the town or city in which you live, or of the county seat of your county.

## CHAPTER IX

### STATE GOVERNMENT

**235. Introductory.** We have now studied the family, the school district, the township, the county, and the city. We are prepared for the consideration of the state, the highest form of local government. We learned in previous chapters that the subdivisions of the state possess only such powers as are necessary to meet their individual, local needs. But there are interests of the people which are **common to all communities**, and which do not conflict with those belonging to the smaller divisions. This gives rise to the necessity for a state system of government, including laws and officers whose jurisdiction is limited only by the boundaries of the commonwealth. We now direct attention to these matters as they have been gleaned from the constitution and laws of the state.

**236. Republican in Form.** A government is republican in form whose affairs are managed by representatives elected by the people. The constitution of the United States guarantees to each state a republican form of government. This means that no state can be admitted into the union unless it complies with this condition. There are, as a consequence, many points of similarity in the constitutions of the various states, and between these and the national government. The general plan in each case



is substantially the same. Many of the personal rights and prohibitions enumerated in the constitution of the United States have been incorporated into the constitution of Missouri.

**237. Branches.** State government, as well as national government, is administered through three departments or branches,—legislative, executive, and judicial. The legislative is the law-making power; the executive is the law-enforcing power; and the judicial is the law-interpreting power. The theory is that these should be kept practically separate from each other, and thus serve as checks each upon the others, against corruption and extravagance in the administration of the laws. The present chapter and the two succeeding ones will be given to a consideration of these three departments.

#### LEGISLATIVE DEPARTMENT.

**238. Where Vested.** The law-making power of the school district is exercised by the board of education in the adoption of the rules and regulations for the government of the school. In towns and cities it is exercised by the board of trustees or the council in the passage of ordinances for the regulation of the various departments of the city government. The county courts exercise legislative power in the adoption of rules for the management of the institutions belonging to the county.

**239.** But above all of these is the state. It is from the state that the cities, districts, townships, and counties get their authority for the exercise of whatever power they possess. **The state must legislate for the people as a whole.** What the local legislative bodies are to their individual communities, the legislature is to the citizens of the state.

**240.** The legislative power of Missouri is vested in the **General Assembly** which is composed of the House of Representatives and the Senate.

**241. Time and Place of Meeting.** The general assembly meets in regular sessions at Jefferson City, the capital of the state, once in every two years, beginning on the first Wednesday after the first day of January. These meetings occur on the odd-numbered years, '95, '97, etc. On extraordinary occasions, the governor may call the general assembly together in extra session.

**242. Length of Session.** In the case of revising sessions, the legislature may remain in session one hundred and twenty days and receive full compensation. Other sessions are limited to seventy days on full compensation. Should they remain in session beyond the above limits, the members receive only one dollar for each additional day instead of five dollars.

**243. How Designated.** The successive general assemblies are designated by numbers which correspond to the number of times the assembly has been organized. The thirty-sixth general assembly met in 1891, the thirty-seventh in 1893, and so on.

**244. Ineligibility.** There are certain things which senators and representatives cannot do. They cannot hold any other office under the state or under any of its municipalities during the time for which they were elected. No member of congress, nor any person holding any lucrative office under the United States, is eligible to membership in the general assembly. These are precautionary measures, adopted to prevent the possible abuse of these offices. It may be said also that it is

always safe to keep national and state offices separate. It erects a strong barrier against corruption in office. Militia officers, justices of the peace, and notaries public are excepted from the above restriction. Removal from the district on the part of a senator or from the county on the part of a representative vacates his office.

**245. Oath.** Before entering upon their duties the members of each house must take an oath or make affirmation that they will support the constitution of Missouri and of the United States; that they will faithfully perform their duties; and that they will not, either directly or indirectly, accept any money or other valuable things for the performance or non-performance of any duty, except as provided by law. Should any member refuse to take the prescribed oath, he would thereby vacate his office. A violation of the oath or affirmation disqualifies the individual from holding any office of profit or trust under the state.

**246. Powers of Each House.** The powers possessed by each house, without the consent of the other, are as follows :—

1. Each house elects its own officers.
2. Each is the judge of the election, returns, and qualifications of its own members.
3. Each house adopts its own rules, subject to the limitations of the constitution of the state.
4. Each may punish its own members for disorderly conduct.
5. Each may punish other persons for disorderly conduct in its presence.
6. Each may expel a member by a two-thirds' vote of

all the members-elect.

7. Each house is coordinate with the other in general legislation.

8. Impeachments. (1) The house of representatives has the sole power of preferring articles of impeachment against public officers. (2) The senate tries all impeachments.

**247. Compensation.** The members of the general assembly receive compensation for services and expenses as follows:

1. Five dollars per day for seventy days and one dollar per day for the remainder of the session, except for revising sessions when they receive five dollars per day for one hundred and twenty days and one dollar for each additional day.

2. Each member is allowed thirty dollars for postage, stationery and other incidental expenses.

3. Each member is entitled also to traveling expenses or mileage, the amount of which is fixed for each county by the legislature.

4. The speaker of the house receives in addition to his pay as a member the sum of two dollars for every day he actually presides. The president *pro tempore* of the senate and the speaker *pro tempore* of the house receive the same compensation as the speaker for the time they act as presiding officers.

5. Committees of either or both houses appointed to examine the state institutions, receive actual expenses incurred while prosecuting their investigations. The committee appointed by the governor to examine the institutions of the state other than those located at the

capital, receive expenses and five dollars per day, the work being done in this case before the assembling of the legislature.

**248.** All such sums are paid out of the **treasury of the state** as provided by law.

**249. Quorum.** A majority of the whole number of members of either house constitutes a quorum for the transaction of business; but a smaller number may adjourn from time to time, and may compel the attendance of absent members.

**250. Vacancies.** Vacancies may occur in either house by death, expulsion or resignation. If a member resigns during the recess of the general assembly, he directs his resignation to the governor; otherwise he sends it to the presiding officer of the house of which he is a member. In either case, it becomes the duty of the governor, on receiving notice of a vacancy, to issue writs of election.

**251. Adjournment.** Neither house can adjourn, without the consent of the other, for a longer time than two days, "nor to any other place than that in which the two houses may be sitting." An adjournment for more than three days has the effect of an adjournment *sine die*.

#### HOUSE OF REPRESENTATIVES.

**252. How Composed.** The house of representatives is composed of one hundred and forty members, elected by the qualified voters of the counties or districts. They are distributed among the counties of the state as follows: The city of St. Louis, fifteen; Jackson county, six; Buchanan county, three; Greene, Jasper, Saline, and St. Louis, each two; and each of the other counties one.



**253. Qualifications of Representatives.** A representative must possess the following qualifications :

1. He must be a male citizen of the United States.
2. He must be at least twenty-four years of age.
3. He must have been a qualified voter of this state for two years.
4. He must have been an inhabitant of the county or district for one year next before his election.
5. He must have paid a state and county tax within one year next preceding the election.

**254. Representative Districts.** When a county is entitled to as many as two, and not more than ten representatives, the county court divides the county into a corresponding number of districts, and the people of each district elect one representative who must be a resident of the district. If the county is entitled to more than ten representatives, then the circuit court divides it so as to give each district not less than two nor more than four representatives, who shall be residents of the districts for which they were elected.

**255. Term of Office.** Representatives are elected for a term of two years. Should they fail to serve the interests of their constituents, the remedy is provided in the short term ; while if they show themselves to be wise and efficient servants, the people can re-elect them.

**256. House Officers.** At the beginning of each legislature, each house organizes by the election of certain officers and the appointment of such committees as may be necessary for a thorough and speedy prosecution of business. The principal officers of the house

are speaker, speaker pro tem., chief clerk, assistant chief clerk, engrossing clerk, doorkeeper, sergeant-at-arms, official reporter and chaplain. The first two only are members of the house.

**257. Certificate of Election.** The county clerk grants a certificate of election to the person who receives the highest number of votes. The certificate must include a statement that the person has presented a receipt for taxes as required by law.

#### THE STATE SENATE. •

**258. How Composed.** The senate is composed of thirty-four members who are elected for a term of four years by the qualified voters of their respective districts.

**259. Qualifications.** In order to hold the office of senator in Missouri, a person must possess the following qualifications:

1. He must be at least thirty years of age.
2. He must be a male citizen of the United States.
3. He must have been a qualified voter of the state for three years.
4. He must have been an inhabitant of the district for one year next preceding the election.
5. He must have paid a state and county tax within one year next before the election.

**260.** It will be noted that higher qualifications are required of the senator than of the representative. In many respects his duties are more important and responsible. The senator tries cases of impeachment, acts upon nominations made by the governor, and performs other

duties which require maturity of judgment and wise discretion.

**261. Apportionment.** It is the duty of the general assembly to apportion the senators among the people once in every ten years, using the last United States census as the basis for such apportionment. In case that body fails to perform this duty, it then becomes the duty of the governor, secretary of state and attorney general, within thirty days after the adjournment of the assembly, to re-district the state and to file with the secretary of state a full statement of the districts formed by them.

**262. Senatorial Districts.** The following are the senatorial districts as arranged in 1891 by the governor, secretary of state and attorney general:

**First.**—The counties of Atchison, Gentry, Holt, Nodoway and Worth.

**Second.**—Buchanan county.

**Third.**—Andrew, Clay, Clinton, De Kalb and Platte.

**Fourth.**—Grundy, Harrison, Livingston and Mercer.

**Fifth and Seventh.**—Jackson county.

**Sixth.**—Adair, Chariton, Linn and Sullivan.

**Eighth.**—Caldwell, Carroll, Daviess and Ray.

**Ninth.**—Boone, Macon and Randolph.

**Tenth.**—Callaway, Montgomery, St. Charles and Warren.

**Eleventh.**—Audrain, Lincoln and Pike.

**Twelfth.**—Clark, Knox, Lewis, Putnam, Scotland and Schuyler.

**Thirteenth.** —Marion, Monroe, Ralls and Shelby.

**Fourteenth.**—Camden, Cooper, Howard, Moniteau and Morgan.

**Fifteenth.** —Benton, Hickory, Pettis and Saline.

**Sixteenth.**—Bates, Cedar, Henry and St. Clair.

**Seventeenth.**—Cass, Johnson and Lafayette.

**Eighteenth.**—Barry, Lawrence, McDonald and Newton.

**Nineteenth.**—Christian, Douglas, Ozark, Stone, Taney, Webster and Wright.

**Twentieth.**—Dade, Dallas, Greene and Polk.

**Twenty-first.**—Bollinger, Butler, Cape Girardeau, Carter, Ripley and Wayne.

**Twenty-second.**—Howell, Laclede, Oregon, Shannon and Texas.

**Twenty-third.** —Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard.

**Twenty-fourth.**—Crawford, Dent, Iron, Madison, Reynolds and Washington.

**Twenty-fifth.**—Franklin, Gasconade and St. Louis.

**Twenty-sixth.**—Jefferson, Perry, St. Francois and Ste. Genevieve.

**Twenty-seventh.**—Cole, Maries, Miller, Osage, Phelps and Pulaski.

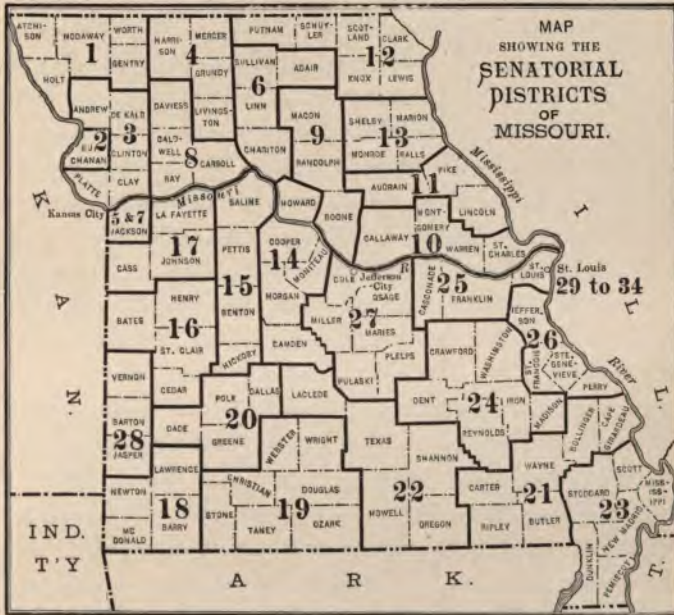
**Twenty-eighth.**—Barton, Jasper and Vernon.

**Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth.**—The City of St. Louis.

Senatorial districts, which are composed of two or more counties, must include contiguous territory and be

compactly located. No county can be divided by the lines of the district.

263. Map of Senatorial Districts.



**264. Senate Officers.** The principal officers of the senate are president, president *pro tem.*, secretary, assistant secretary, engrossing clerk, enrolling clerk, sergeant-at-arms, door-keeper, official reporter, and chaplain. The lieutenant-governor is president of the senate by virtue of his office. The president *pro tem.* is a member of the body.

**265. How Classified.** The senate is what is known as a perpetual body, only one-half of the members retiring



from office at any one time. The senators from the odd-numbered districts, 1, 3, 5, etc., compose the **first class**, and those from the even-numbered districts, 2, 4, 6, etc., compose the **second class**. Senators of the first class were elected in 1892, and those of the second class were elected in 1894. By this plan, at least one-half of the senators have had experience in legislation.

**266. Certificate of Election.** In senatorial districts composed of two or more counties, the county clerks transmit to the clerk of the county first named in the law establishing the district, a certificate of all the votes cast for each candidate in their respective counties; the clerk of the county in which a candidate resides certifies also that the candidate has presented his receipt for taxes as required by law. The clerk receiving these returns casts them up, certifies the result to the secretary of state, and issues a certificate of election to the person receiving the highest number of votes.

**267. Vacancy.** When a vacancy occurs in a senatorial district, the governor issues a writ directed to the sheriff of the county first named in the law establishing the district. The sheriff thus addressed issues a proclamation or notice of election, and transmits a copy of the notice and of the writ to the sheriffs of the other counties in the district. An election is then held upon the day named by the governor, and the person thus selected fills out the unexpired term of office.

#### LEGISLATIVE PROCEEDINGS.

**268. Law-making.** The specific work of the general assembly is the making of laws for the government and protection of the people of the state. A large variety of

subjects receives attention. The legislature defines crimes and provides for their punishment ; creates offices, establishes institutions, and provides for public highways ; makes laws regulating railroads, express companies, and other corporations. Money is appropriated for the suppression of lawlessness, the expense of education, and for the enforcement of law in all of its branches. We now direct attention to a few of the processes of law-making.

**269. Bills.** A bill is a proposed law. Its introductory clause is, "**Be it enacted by the general assembly of the state of Missouri, as follows :**" A bill may originate in either house, and it may be ratified, amended, or rejected by the other. In no case can it become a law without the affirmative vote of both houses. With the exception of general appropriation bills, it must contain but one subject and that must be clearly stated in the title.

**270. Consideration of Bills.** Any member may introduce a bill, but it must be referred to a committee for recommendation. If reported upon favorably it is engrossed, and then printed for the information and use of the members. Bills may be introduced by committees also. When definitely brought before the body, by either method, a bill is read upon three separate days, opportunity being given for a full discussion of its provisions, and put upon its final passage. In order to pass it, a majority of all the members elected must vote in favor of the measure. The vote is taken by yeas and nays and the names of all members voting for and against must be entered upon the journal. It is then sent to the other house where similar proceedings are had.

**271. Signing.** After passing both houses, the bill is presented to the presiding officer of each house for his signature. He causes it to be read at length in open session, after which he signs it, unless objection be made that the bill has been changed "by substitution, omission, or insertion." All objections are passed upon by the body, and, if they are sustained, the presiding officer withholds his signature, otherwise he signs it.

**272. Governor's Signature.** When the bill has been signed as outlined above, it is then the duty of the secretary of the senate, if the bill originated in the senate, or of the clerk of the house if it originated there, to present it in person to the governor for his consideration. Every such bill which receives the approval of the governor, if returned within ten days to the house in which it originated, becomes a law, unless it violates some provision of the constitution.

**273. Veto.** If the governor does not approve the bill, he returns it with his objections to the house in which it originated. At its convenience, the house reconsiders the bill after the following order:

1. The objections of the governor are entered at large upon the journal.

2. The vote is then taken by yeas and nays upon the question, "Shall the bill pass, the objections of the governor thereto notwithstanding?" the names being entered upon the journal.

3. If two-thirds of all the members elected vote in the affirmative, the bill, with the objections of the governor, must be sent to the other house where similar proceedings are had.

4. If the other house shall pass it by a like vote, it becomes a law, notwithstanding the veto of the governor.

**274.** Should the governor fail or neglect to return any bill **within ten days**, the general assembly, by joint resolution, directs the secretary of state to enroll it as "an authentic act;" unless the legislature should adjourn in the meantime, in which case the governor may return it within thirty days to the secretary of state with or without his approval.

**275.** The Governor **signs** all resolutions which require the concurrence of both houses, with the exception of questions of adjournment, resolutions submitting amendments to the constitution, resolutions to go into joint session, and resolutions declaring a bill a law by the neglect of the governor to sign it.

**276. When Operative.** Except the general appropriation act, all laws enacted by the general assembly take effect ninety days after the adjournment of the session, unless, by a vote of two-thirds of each house, an emergency clause be adopted. In the latter case it takes effect at once.

#### LEGISLATIVE LIMITATIONS.

**277. Order of Appropriations.** All money belonging to the state must go into the treasury, and cannot be diverted from its proper use without violating the constitution. Money can be drawn out of the treasury only in pursuance of regular appropriations made by law.

The following is the order in which the successive general assemblies must make appropriations:

**First.**—To provide for the payment of the interest on the bonded debt of the state.

**Second.**—Not less than two hundred and fifty thousand dollars must be appropriated for the benefit of the sinking fund.

**Third.**—For free public school purposes.

**Fourth.**—For expenses of assessing and collecting the revenue.

**Fifth.**—For the payment of the civil list.

**Sixth.**—For the support of the eleemosynary institutions.

**Seventh.**—For the pay of the general assembly, and such other expenses, not prohibited, as may be deemed necessary.

**278. Prohibitions.** There are numerous things mentioned in the constitution which the general assembly cannot do. These may be designated as prohibitions. The following are among them :

1. To contract or authorize the contracting of any debt on behalf of the state, except, (1) for the renewal of existing bonds, or, (2) for meeting a casual deficiency of the revenue.

2. To lend the credit of the state in aid of any person, association, or corporation.

3. To grant public money to any individual or corporation, except in a case of public calamity.

4. To authorize any city, town, county, township, or other sub-division of the state, to lend its credit, or to grant public money to any individual or association.

5. To grant extra fees or allowance to a public officer, servant or contractor after the service has been rendered in whole or in part.

6. To subscribe stock in behalf of the state for any



purpose whatever, except to secure loans heretofore extended to certain railroads.

7. To release the lien held by the state upon any railroad, or to change the tenor or meaning of it.

8. To pass any local or special law, except on petition as provided by the constitution. Under this head there are enumerated some thirty-two points.

9. When assembled in extra session, the assembly can consider such questions only as have been mentioned in the proclamation calling the session, or recommended by the governor in a special message.

10. The general assembly has no power to move the seat of government from Jefferson City. This must be done by an amendment to the constitution.

**279.** The Assembly possesses many positive powers, but it would be an endless task to attempt to enumerate them. The framers of the constitution choose to state the things they should not do.

**280. Stimulating Questions.** 1. What kind of men should be selected to make the laws for Missouri?

2. How often should the laws of the state be changed?

3. What are some of the subjects upon which we need legislation at this time?

4. Why not allow counties to take stock in railroads and other corporations?

5. Name the representative from your county and the senator from your district. When will their terms expire?

6. State several reasons for giving to the governor the power to veto a measure passed by the general assembly.

## CHAPTER X

### STATE GOVERNMENT (CONTINUED)

#### EXECUTIVE DEPARTMENT

**281. Necessity.** In the preceding chapter, we have discussed the legislative branch of state government. We learned that representatives of the people, assembled in a legislative capacity, make such laws as are deemed necessary to the peace and safety of all citizens. But as these laws must be enforced, it becomes necessary to choose a separate list of officers into whose hands this trust is committed. We now direct attention to these executive officers.

**282. Elective Officers.** The chief elective executive officers of the state are the governor, lieutenant-governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, and three railroad commissioners. They are all elected by the people, and, with the exception of the lieutenant-governor, they are required to reside at the seat of government and to keep the public records, books, and papers, at that place. All serve for four years, except the railroad commissioners who are elected for a term of six years. The governor and treasurer cannot be re-elected as their own successors.

**283. Election Returns.** The returns for the election

of the above officers are transmitted by the county clerks of the various counties to the secretary of state, directed to the speaker of the house of representatives. Immediately after organization, the two houses meet in joint session and the speaker opens the returns and publishes them, a majority of each house being present. The person having the highest number of votes for either of the offices is declared duly elected. In case two persons have "an equal and the highest number of votes," the general assembly decides by joint ballot which person shall serve.

**284. Governor.** The office of governor is one of great dignity and responsibility. Upon a faithful discharge of the duties of the position, and upon a judicious exercise of its powers, depend, in no small degree, the prosperity of the state and its reputation abroad.

**285. Title.** The constitution says: "The supreme executive power shall be vested in a chief magistrate, who shall be styled 'The governor of the state of Missouri.' "

**286. Qualifications.** The governor must be:

1. Thirty-five years of age.
2. A male citizen.
3. A citizen of the United States ten years.
4. A citizen of Missouri for seven years immediately preceding his election.

**287. Powers and Duties.** The governor is a conservator of the peace throughout the state. Among his more specific duties may be given the following:

1. He must distribute the laws and faithfully execute them.

2. He is commander-in-chief of the state militia which he may call into the service of the state at any time,

- (1) To execute the laws.
- (2) To suppress insurrections.
- (3) To repel invasions.

3. He may grant pardons, reprieves and commutations after conviction, of which he must make full report to the general assembly. This power does not extend, however, to cases of treason nor to conviction on impeachment. A **pardon** remits the penalty, forgives the offense, and releases the offender. A **reprieve** suspends for a time the execution of the death penalty in a given case. New evidence may be discovered, and a reprieve gives time for a full investigation. A **commutation** changes the penalty already assessed to a lighter one; as, when the death penalty is changed to imprisonment. "**Treason** against the state can consist only in levying war against it or in adhering to its enemies, giving them aid and comfort."

4. The governor must give the general assembly information concerning the government of the state, and make such recommendations as to him may seem advisable. It is thus made his duty to keep himself informed concerning the needs of the commonwealth. He is presumed to be able to advise the legislators in all matters pertaining to the general welfare.

5. On extraordinary occasions he may convene the general assembly in extra session. He is to judge as to what shall constitute an extraordinary occasion, but as the legislature meets but once in every two years, cases of emergency may arise during any recess of the body.

6. He must account for all moneys received from any funds subject to his order.

7. Unless otherwise provided by law, he appoints persons to fill all vacancies in office.

8. He must examine all bills passed by the general assembly and approve or veto them. In considering appropriation bills, he may object to certain items and approve others, if he desires.

9. With certain exceptions already mentioned, he must sign concurrent resolutions.

10. He may require written reports from the executive officers and from the officers and managers of the state institutions. The facts concerning the expense and management of these institutions are thus given to the people.

11. He commissions all officers not otherwise provided for by law.

12. The governor is a member of several of the state boards and in connection therewith he discharges numerous duties.

13. By and with the advice and consent of the senate, he appoints military officers, and the members of the boards of the educational, reformatory and eleemosynary institutions supported by the state.

**288. Lieutenant-Governor.** For obvious reasons, the lieutenant-governor must possess the same qualifications as the governor.

**289. Powers and Duties.** By virtue of his office, he is president of the senate, and as such, he discharges the duties which usually devolve upon the presiding officer of a legislative body. "In committee of the whole, he



may debate all questions ; and when there is an equal division he shall give the casting vote in the senate, and also in joint vote of both houses." The constitution says : " In case of death, conviction on impeachment, failure to qualify, resignation, absence from the state, or other disabilities of the governor, the powers, duties, and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant-governor."

**290. Qualifications of other officers.** To be eligible to the office of secretary of state, state auditor, state treasurer, attorney general, or superintendent of public instruction, a person must possess the following legal qualifications :

1. He must be a male citizen of the United States.
2. He must be at least twenty-five years of age.
3. He must have resided in Missouri at least five years next before his election.

**291.** These are important servants of the people, and great care and judgment should be exercised in their selection. **Each citizen** has his duty in the matter. Desire for office does not guarantee qualifications. Is the candidate honest ? Is he fitted for the position to which he aspires ? These are questions which should be answered by patriotic citizens. We direct attention to a few of the duties of each of the above officers.

**292. Secretary of State.** The secretary of state has charge of the state seal, with which he authenticates all official acts. He is required to keep a record of the official business transacted by the governor, and to furnish to the general assembly, when necessary, certified copies

of the same, together with all papers relating thereto. He keeps "all public records, rolls, documents, acts, resolutions, and orders of the general assembly," and he must make and attest copies of them when requested. Before entering upon his duties, he must give an approved bond in the sum of ten thousand dollars, conditioned upon the faithful discharge of his duties.

**293. State Auditor.** The auditor must give a bond in the sum of fifty thousand dollars, with not less than five sureties. He is the general accountant of the state, having charge of the accounts, vouchers, documents, bonds, and coupons. The statutes require that he shall audit and settle all accounts against the state; draw all warrants upon the treasury, designating in each case the fund from which it is to be paid; audit and settle accounts of collectors of revenue; keep an account between the state and the treasurer; keep an account of the debits and credits between the state and the United States; and direct the prosecution of delinquents in matters relating to his office. He must give information to either house of the general assembly, when requested, upon matters pertaining to his office. He is required also to make a detailed statement to the general assembly of the financial condition of the state, including sources of revenue, the public debt, and estimates of appropriations needed to defray the expense of the government for the two succeeding years.

**294. State Treasurer.** The treasurer is required to give a bond for five hundred thousand dollars, with ten sureties approved by the governor, conditioned upon the faithful discharge of his duty, and upon the safe keep-

ing of the funds of the state. He is the custodian of the moneys belonging to the state. He disburses the funds in his possession only upon warrants drawn upon the treasury according to law. He keeps an account of the separate funds, of appropriations made therefrom, and of all disbursements. He makes a monthly report to the governor, giving a detailed account of the condition of the treasury. At the beginning of each regular session of the general assembly, he makes a full report to that body, giving in detail the transactions of the department during the two preceding years. He selects a bank for the deposit of the state money, the selection being approved by the governor and attorney general.

**295. Attorney General.** Among the duties of the attorney general are the following: 1. When so directed by the governor, he aids the prosecuting attorney of any county in the discharge of his duties. 2. When requested by the general assembly or by either house, by any state officer, or by any prosecuting attorney, he is required to give a written opinion upon any point of law. 3. He represents the state in all civil actions.

**296. State Superintendent.** The superintendent of public instruction is elected two years after the election of the above officers. He must give a ten-thousand dollar bond with two or more sureties approved by the secretary of state, conditioned upon a faithful discharge of his duties and upon the safe keeping and proper application of all moneys coming into his hands. He has general supervision of the school funds, distributes and executes the school law, grants state certificates to such as pass a satisfactory examination, visits the schools of

the state, spending at least five days of each year in each congressional district, and makes an annual report to the general assembly, if that body is in session, and if not then to the governor.

**297. Railroad Commissioners.** There are three railroad commissioners elected by the people for a term of six years, one being elected every two years. Each must give a bond for twenty thousand dollars. No one holding any railroad bonds or owning other railroad property, or in the employ of any railroad or transportation company, or in any way interested in such, is eligible to the office. This board of commissioners has in charge the execution of the laws relating to the management of the railroads of the state, including freight rates and the inspection of the roads.

**298. Appointive Officers.** The following are appointive officers under the state: Insurance commissioner, adjutant general, labor commissioner, warden of the penitentiary, quarter master, inspector general, librarian, state geologist, grain inspector, tobacco inspector, coal oil inspector, and commissioner of the seat of government. Following is a statement of a few of the duties of each.

**299. Superintendent of Insurance.** The insurance department looks after the execution of all laws which relate to insurance in Missouri. The superintendent, who is appointed by the governor, must be a citizen of the state, and experienced in insurance matters. He must give a bond for one hundred thousand dollars, with five or more good sureties, approved by the attorney general and state auditor. His office is in St. Louis where he must keep on file all books and papers pertaining to



the department. He issues certificates of authority to companies to transact insurance business in the state, examines the condition and management of insurance companies, inquires into the violation of insurance laws, and makes an annual report of the business of his department.

**300. Warden of the Penitentiary.** The warden of the penitentiary is appointed by the governor by and with the advice and consent of the senate. His bond is forty thousand dollars. Under the direction of the board of supervisors, he has general control and supervision of the penitentiary. He prescribes the quality, quantity, and articles of food for the convicts; makes rules for the government of subordinate officers and employees; has charge of the prison property, and manages the financial interests of the prison. He lets the contracts for convict labor, and makes a monthly report to the state treasurer of receipts of money.

**301. The Adjutant General** is *ex-officio* quartermaster-general, chief of ordnance, paymaster-general, and commissary-general. He must give a bond in the sum of twenty thousand dollars. He issues and transmits all orders of the commander-in-chief regarding the militia; furnishes commissions to all officers appointed by the commander-in-chief; keeps a record of all orders and regulations; and furnishes blanks, muster-rolls, etc., to the militia. He has charge of the arms, equipments, and munitions of war, and may issue the same under certain conditions prescribed by law.

**302. Labor Commissioner.** This officer is appointed by the governor for a term of two years. He inspects



mines, factories, warehouses, elevators, workshops, tunnels, foundries and other manufacturing establishments. He gathers information concerning labor, and uses his influence to secure a peaceable settlement of strikes and other labor troubles.

**303. Grain Inspector.** A chief inspector of grain is appointed for a term of two years by the board of railroad and warehouse commissioners. The law requires that he shall be an expert judge of grain, and in no way interested in any warehouse in this state. He has general supervision of the grain inspection as regulated by the laws of the state. The board of commissioners makes all rules and regulations and they fix the compensation of the inspector.

**304. The Tobacco Inspector** is appointed by the governor for a term of two years. His office is in the city of St. Louis, and it is his duty to inspect and examine all tobacco presented for that purpose, and to "auctioneer and sell" the same.

**305. An Oil Inspector** is appointed by the governor for a term of two years for the cities of St. Louis, St. Joseph, Kansas City, Hannibal, and such other cities and such counties as may petition therefor. Each inspector must be a resident of the city or county for which he is appointed. It is his duty to inspect, gauge, and brand oils and other fluids when called upon for that purpose. He is paid by fees collected from the persons making use of his services.

**306. The State Librarian** is appointed by the supreme court, and he is the custodian of the books, maps, and charts belonging to the state library. He makes a

catalogue of such books, and purchases such volumes as the supreme court may require. His salary is nine hundred dollars.

**307. The State Geologist** is appointed by the board of managers, under whose direction he works. He must be well versed in mineralogy and geology, and he must not be connected with any school or college. He is required to make the geological survey of the state, and to collect such ores, rocks, fossils, and other mineral substances of scientific or practical interest or value as may be discovered, and as may be of use in making a complete cabinet collection of the state. His compensation is fixed by the board of managers, but it must not exceed three thousand dollars per annum.

**308. The Commissioner of the Permanent Seat of Government** is appointed by a board. He has charge of the capitol, provides fuel, oil, etc., for the general assembly, superintends repairs, and attends all visitors. His compensation must not exceed three hundred and fifty dollars per year.

**309. State Boards.** There are numerous boards which have in charge the general management and administration of different departments of government. The following are the principal ones :

**310. Penitentiary Inspectors.** The state treasurer, state auditor, and attorney general constitute this board. They must visit the penitentiary once each month and keep themselves informed as to the management of the prison. This Board approves all rules and regulations for the government of the convicts, and inquires into alleged misconduct on the part of officers and employees.

**311. Board of Equalization.** This board adjusts and equalizes the assessments of real and personal property in the various counties of the state. They meet once every year at Jefferson City, on the last Wednesday in February.

Governor,  
State Auditor,  
State Treasurer,  
Secretary of State,  
Attorney General.

**312. Public Printing.** This board lets the contracts for, and has general supervision of the printing that must be done by the state.

State Auditor,  
State Treasurer,  
Secretary of State.

**313. Education.** The general supervision of the public schools is vested in this board. They direct the investment of the school money, and see that all funds are properly applied.

Superintendent of Schools,  
Governor,  
Secretary of State,  
Attorney General.

**314. Board of Agriculture.** The governor, the state superintendent of public instruction, and the dean of the agricultural college are *ex-officio* members of this board. In addition to these, the governor appoints one member from each congressional district. The board looks after the general agricultural interests of the state. The secretary of the board publishes each week a report of crops and the general condition of the weather in the various localities, and gives special attention to the holding of "Farmers' Institutes."

**315. Board of Geology and Mines.** This board is composed of the governor, who is president, and four citizens appointed by him by and with the advice and consent of the senate. They appoint the state geologist, and have in charge the general supervision of the geological surveys.

**316. The Fish Commission** is composed of three members appointed by the governor. They have in charge the state hatchery and the distribution of fish for the stocking of the streams of the state.

**317. Board of Health.** The seven members composing this board are appointed by the governor. At least five of them must be graduate physicians in good standing, and must have been residents of the state at least five years. The board looks after the health and sanitary conditions, and may recommend rules for the preservation of health, and for protection against epidemics.

**318. Board of Immigration.** There are three members of this board, appointed by the governor. They use such means as may be at their disposal to advertise the advantages of the state, with a view to securing immigration.

**319. Salaries of State Officers.**

Governor . . . . .	\$5,000.
Lieutenant governor . . . . .	\$1,000.
Secretary of state,	
Salary . . . . .	\$2,500
Fees . . . . .	500
	<hr/>
	\$3,000.
State treasurer . . . . .	\$3,000.
State auditor . . . . .	\$3,000.
Attorney general . . . . .	\$3,000.
Superintendent of schools . . . . .	\$3,000.
Railroad commissioner . . . . .	\$3,000.
Superintendent of insurance . . . . .	\$3,000.
Adjutant general . . . . .	\$2,000.
Labor commissioner . . . . .	\$2,000.
Warden of the penitentiary . . . . .	\$2,250.

These officers are public servants. Republican government is the outgrowth of the needs and demands of a free people. As the people cannot meet to discuss and decide all the questions involved in the administration of the affairs of state, representatives are selected into whose hands are committed these important trusts. Legislators are chosen to make such laws as are necessary to the peace and prosperity of the people; executive officers are charged with the enforcement of these laws, while courts are established to interpret and apply them. These officers thus become the servants of the people to whose interests they devote their time and talents. They must therefore be paid reasonable salaries to justify them in giving up their private business. The people aim to select those who are the most worthy of confidence and the best qualified for the duties of the various posts. That good men are usually selected cannot be denied, but that mistakes are made at times must also be admitted. The legislator may forget his constituents, the executive may become reckless, and the judge may not always mete out justice; but in such cases the remedy is found in the short term of office and in the ability and right of the people to choose a successor. Thus the people may be held responsible for foolish measures and extravagant expenditures.

**320. Stimulating Questions.** 1. What good reasons can be given for limiting the governor and treasurer to one term? Why not extend the limitations to the other state officers?

2. What relation exists between the state auditor and the state treasurer?



## CHAPTER XI

### STATE GOVERNMENT (CONTINUED)

#### JUDICIAL DEPARTMENT.

**321. Purposes.** The legislative body makes the laws, the executive enforces them, but it devolves upon the judicial department to interpret them and to decide as to their application to particular cases. The general purposes for which the courts exist may be given as follows :

1. To decide questions involving the constitutionality of any law. If resistance is made to the enforcement of any provision upon the ground that it violates the constitution, it devolves upon certain courts to determine the question.

2. To decide questions involving personal and property rights. Disputes frequently arise as to the rights of property, and in all such cases there must be some source of authority ; otherwise there would " be no end to controversy."

3. To determine the guilt or innocence of persons charged with the violation of the laws regulating the peace and good order of society.

**322. Where vested.** The judicial power of the state is vested in the supreme court, the courts of appeals, circuit courts, criminal courts, probate courts, county courts, and municipal corporation courts.

**323. Importance.** The peace of society depends in no small degree upon the efficiency of the courts in the

administration of the laws. "The law's delay" and the uncertainty of just and adequate punishment of criminals have been largely responsible for the undue prevalence of crime and for the frequency of lynchings in certain localities. It required one year to determine the guilt and responsibility of a confessed assassin of the president of the United States. The greater the crime the more noted becomes the criminal. On the other hand, a swift meting out of merited punishment becomes a terror to evil doers. The greater the certainty of punishment, the less the probability of an infraction of the law. Macy has well said: "A thorough knowledge of what the courts will do tends to diminish the business of courts. If it is reasonably certain that a crime will be promptly and justly punished, the crime is not likely to be committed. If men can know in advance how the courts will decide a disputed claim, they are likely to settle the case themselves, without the annoyance of a lawsuit."

**324. Courts of Record.** Courts of Record are those which are required to keep "just and faithful records of their proceedings;" that is, they are the courts that must keep a record of their transactions. The supreme court, courts of appeals, circuit courts, county courts, and probate courts are designated by the statutes as belonging to this class.

**325. Requirements.** There are regulations with which all courts of record must comply. They must keep a seal; the clerk is required to make out a docket; the entries of orders and the proceedings of each day must be read in open court on the following morning, except on the last day of the term when the minutes of

the entire term must be read by the clerk and signed by the judge; all records must be kept in the English language; the sittings must be public, and no court can sit on Sunday or transact business on that day, except to receive a verdict or to discharge a jury.

**326. Powers.** All courts have the power to issue such writs as are necessary to the transaction of their business; and they may require the return of writs and processes. They may appoint interpreters and translators; hold adjourned or special sessions; and punish persons for contempt. The judge has superintending control of the keeping of the records.

**327. Prohibitions on Judges.** There are certain restrictions imposed upon judges of courts of record. We give three of them. No judge can sit in the trial of any case in which he is interested, or in any case in which he is related to either party, or in any case in which he has been counsel. With the exception of members of the county court, no judge can practice law in any court in the state, except as provided otherwise by law. No judge can have a partner practicing in any court over which he presides as judge. The purpose of these prohibitions would seem to be to remove all temptation to being biased by personal considerations.

**328. Removal of Judge.** In case of inability of any judge to discharge his duties, arising from sickness, or physical or mental infirmity, the general assembly may, by a two-thirds' vote of each house, and by the approval of the governor, remove such person from office.

**329. Legal Terms.** In order to understand fully a discussion of this branch of government it will be neces-

sary to explain and define a few of the legal terms which are frequently used.

**330. Jurisdiction.** Jurisdiction is the legal authority to hear and determine a suit or action in court. It is of two kinds, original and appellate. Original jurisdiction is the right to try a case in its commencement; while appellate jurisdiction is the right to try a case on appeal. If a cause can be heard in but one court, then that court has exclusive jurisdiction of that case; and if a case may originate in either of two or three courts, then they have concurrent jurisdiction.

**331. Cases.** A civil case is one which arises between private citizens for debt or for injury to property or person. **Criminal** cases are those in which a person is charged with the commission of some crime.

**332. Parties.** There are two parties to every suit, the plaintiff and the defendant; the former makes the complaint or accusation, and the latter is the person against whom the suit is brought.

**333. Felony.** A felony is any crime punishable by death or by imprisonment in the penitentiary. If it is punishable by death it is called a capital crime.

**334. Arson.** Arson is the malicious burning of dwellings or other buildings. It is of various degrees as defined by the statutes of the state.

**335. Misdemeanor.** A misdemeanor is an offense which is punishable by fine or by imprisonment in the county jail or both.

**336. Classes of Courts.** We will now take up the different kinds of courts, calling attention to such matters as may be necessary to a correct understanding of them.

Justice's courts have been discussed in connection with the township.

**337. Municipal Corporation Courts.** These courts have received some attention in the chapter on "cities and villages." The judicial power over crime in cities of the first class is vested in the police courts; in cities of the second and third classes it is vested in the court of the police judge, and in fourth class cities it is vested in the mayor's court. In villages it is vested in the chairman of the board of trustees.

**338. County Courts.** See Chapter VI.

**339. Probate Courts.** See Chapter VI.

**340. Circuit Courts.** These are courts of higher grade than either of the above. There are twenty-nine judges elected who hold court in each county of their respective districts.

**341. Circuits.** At the present time the state is divided into twenty-nine judicial circuits. These are changed by the general assembly from time to time as public convenience and necessity may seem to require. The map on page 115 gives the circuits as they are designated in the act approved April 7, 1892.

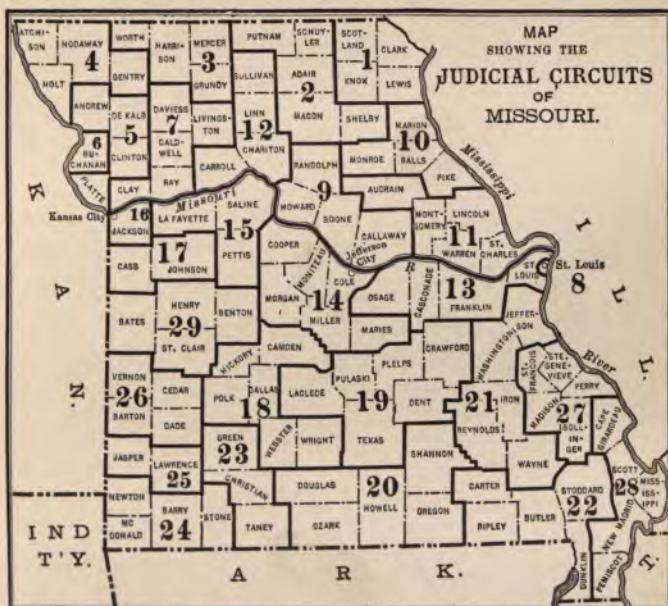
**342. Election of Judges.** Beginning with the election in 1892, one judge is elected for each circuit for a term of six years. The vote is taken in the same way as for other officers.

**343. Qualifications.** The judge of the circuit court must be at least thirty years of age; must have been a citizen of the United States for at least five years; must have been a qualified voter of the state for three years next before his election; must be a resident of the circuit



for which he is chosen, and must be learned in the law. In addition to the legal qualifications, there are points of special fitness which call for consideration by the voters. The office is one of great responsibility, and large business interests are involved. The peace and good order of society, and the safety of property and person depend in no small degree upon a faithful discharge of the duties of this office.

#### 344. Map of Judicial Circuits.



345. Jurisdiction. Circuit courts have jurisdiction in the counties in which they are held as follows:

1. Over all criminal cases not otherwise provided for by law.

2. They have original jurisdiction in civil cases not cognizable before any of the lower courts and not otherwise provided for.

3. They have concurrent original jurisdiction with justices of the peace in all actions for the recovery of money when the sum demanded, exclusive of interest and costs, is more than fifty dollars and does not exceed two hundred and fifty dollars; and also in actions against railroads for the killing and injuring of stock without regard to the amount involved.

4. They have appellate jurisdiction over judgments and orders of the lower courts in all cases not expressly prohibited by law.

5. Circuit courts have general control over executors, guardians, curators, minors, idiots, lunatics, and persons of unsound mind.

**346. Compensation.** The circuit judge receives a salary of two thousand dollars, which is paid out of the state treasury in monthly installments.

**347. Grand Jury.** The grand jury is composed of twelve men whose duty it is to inquire into the violations of law in the county. The jury sits with closed doors and the members are sworn to secrecy. If nine of the jurors, after a consideration of the testimony, vote in favor of putting the accused on trial, a formal accusation, called an indictment, is drawn up. The foreman writes upon it the words, "a true bill," and signs it. It is then presented to the court. The grand jury may present bills of indictment for either felonies or misdemeanors.

**348.** Provision has been made by the Legislature for filing what is known as an **information** before a

justice of the peace or before the circuit court. In this way expense and time are saved. The prosecuting attorney files the information, and the accused is put upon trial the same as in the case of an indictment. This process can be used, however, in cases of misdemeanors only.

**349. Petit Jury.** The petit, or trial jury, is composed of twelve members, and a unanimous vote is necessary to find a verdict. This body hears the evidence and arguments upon the question involved, and renders a decision. In criminal cases, the jury pronounces upon the guilt or innocence of the accused. If a verdict is not reached, the cause may be tried again, at the same or at the next term of court.

**350. Common Pleas Courts.** The statutes provide that when the term "circuit court" is used in any law which is general to the state, that it shall be construed to include "courts of common pleas," unless such construction would be inconsistent with the evident intent of the law. Courts of common pleas are courts of record, and they are subject to the restrictions and possess the powers of such courts. There are but four of them in the state, and they will be briefly discussed in the following paragraphs.

**351. Louisiana.** This court was first established in 1853. Its sessions are held at Louisiana, Pike county. It has concurrent jurisdiction in certain civil cases arising in that city and in the townships of Buffalo, Salt River, Peno, and Calumet. The judge of the circuit court is *ex-officio* judge of the common pleas court, and as such he receives the sum of two hundred and fifty dollars per annum.



**352. Hannibal.** The common pleas court at Hannibal was established in 1845. It has exclusive original jurisdiction in all civil actions arising in Mason and Miller townships, and it has jurisdiction of such criminal cases as come within the jurisdiction of the circuit courts of the state. It has superintending control over the recorder of the city of Hannibal and over the justices of the peace in the above townships. The judge of the circuit court is also judge of the common pleas court, and for this latter service he is paid by fees.

**353. Cape Girardeau.** This court dates back to 1851. Its jurisdiction is confined to civil cases arising in the city, township, and county of Cape Girardeau, having concurrent power with the circuit court in most cases. In cases appealed from the recorder's court of the city of Girardeau, and in cases tried before justices of the peace in the city and township of Cape Girardeau, it has exclusive jurisdiction. It has concurrent jurisdiction with the county court in all probate business. The judge must possess the qualifications of the circuit judge, and he is elected by the voters of the county for a term of four years. His salary is one thousand dollars, paid in the same manner as the salary of the circuit judge.

**354. Sturgeon.** The territory included within the jurisdiction of this court lies in several counties, as designated in the statutes of the state. It has concurrent original jurisdiction with the circuit court in all civil cases and with the justices of the peace in all civil cases, not exclusively cognizable before a justice. It has superintending control also with the circuit courts over

the justice of the peace. The judge of the ninth judicial circuit is *ex-officio* judge of this common pleas court.

**355. Criminal Courts.** Constitution: "The general assembly shall have no power to establish criminal courts, except in counties having a population exceeding fifty thousand." Five criminal courts have been established in the state, each of which is given consideration below.

**356. Fifteenth Judicial Circuit.** This court is composed of one judge who must have the same qualifications as the circuit judge. He is elected by the people for a term of six years. It has the same jurisdiction as the circuit court in criminal cases, and has appellate jurisdiction in cases arising from breaches of the peace and violations of town ordinances. It has power also to issue and determine writs of *habeas corpus*. Two terms are held annually in each of the four counties, Lafayette, Pettis, Saline, and Johnson. The salary of the judge is fifteen hundred dollars.

**357. Jackson County.** The judge of this court has the same power as the circuit judge in criminal matters, and the court has exclusive original and appellate jurisdiction in criminal cases in Jackson county. The judge must be at least thirty years of age, a resident of Jackson county, and he must have resided in the state one year. He must hold six terms of court each year, three in Kansas City and three in Independence. He receives a salary of fifteen hundred dollars.

**358. Buchanan County.** The judge must reside in Buchanan county, and he must possess the same qualifications as the circuit judge. He is a conservator of the



peace throughout the county, has power to issue and determine writs of *habeas corpus*, and, in criminal matters, possesses the same powers as the circuit judge. His salary is three thousand dollars.

**359. Greene County.** The law governing this court is about the same as that given in the preceding paragraph, except that the salary is two thousand dollars.

**360. St. Louis.** The St. Louis criminal court has all the original and appellate jurisdiction in criminal cases, other than misdemeanors, which is vested in the circuit courts. The judge must possess the qualifications of the circuit judge. He is elected by the qualified voters for a term of six years, and receives a salary of five thousand five hundred dollars.

**361. Courts of Appeals.** Two courts of appeals have been established in the state, one at St. Louis and the other at Kansas City. The principal object in view in the organization of these courts was to provide some relief to the supreme court.

**362. Districts.** The state is divided into two districts, the territory covered by the St. Louis court being as follows: The counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Montgomery, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Wayne, Bollinger, Madison, St. Francois, Washington, Franklin, Crawford, Iron, Reynolds, Carter, Butler, Ripley, Oregon, Shannon, Dent, Phelps, Pulaski, Texas, Howell, Ozark, Wright, Douglas, Laclede, Webster, Christian, Taney, Stone, Greene, Lawrence, Barry, Newton, McDonald, Au-

drain and the city of St. Louis. The jurisdiction of the Kansas City court extends over the remaining counties of the state.

**363. Judges.** Each of these courts is composed of three judges who are elected by the qualified voters of their respective districts. They must possess the same qualifications as members of the supreme court. The term of office is twelve years, one judge of each court being elected every four years. Each is a conservator of the peace in each of the counties of his district.

**364. Jurisdiction.** These courts have appellate jurisdiction only. They issue certain remedial writs, and have superintending control over all inferior courts of record. Appeals from them lie to the supreme court. Writs of error may issue from the latter in all cases where the amount involved, exclusive of costs, exceeds the sum of twenty-five hundred dollars ; in cases involving the construction of the state or national constitution ; in cases involving the authority of the United States ; in cases involving the revenue laws of Missouri, or the title to office in the state ; and in cases concerning the title to real estate ; and in cases where a political division of the state, or a state officer is a party ; and in all cases of felony.

**365. Terms of Court.** Two terms of court must be held each year, one beginning on the first Monday in March and the other beginning on the first Monday in October.

**366. Opinions.** The opinions or decisions of a court of appeals must be in writing, and they constitute a part of the record. As far as applicable, the laws relating to the practice in the supreme court apply to these courts.

**367. Compensation.** The salaries of the judges are paid out of the treasury of the state. The judges of the Kansas City court receive three thousand five hundred dollars, and those of the St. Louis court receive four thousand dollars per annum.

**368. The Supreme Court.** The supreme court is the highest judicial tribunal in the state. As organized at this time, it is composed of eight judges, elected by the voters of the state for a term of ten years.

**369. Qualifications of Judges.** Judges of the supreme court must have the following qualifications :

1. They must be at least thirty years of age.
2. They must be citizens of the United States.
3. They must have been citizens of this state five years immediately preceding election or appointment.
4. They must be learned in the law.

**370. Jurisdiction.** Except as otherwise directed by the constitution, the supreme court has appellate jurisdiction only, which is coextensive with the state. "Its only original jurisdiction is to issue high prerogative writs." It has general superintending control over all inferior courts. It has "power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other original remedial writs, and to hear and determine the same."

**371. Terms of Court.** The supreme court holds two terms each year at Jefferson City, beginning on the second Tuesday in April and in October. Special terms may be held also.

**372. Compensation.** The judges receive from the treasury of the state, a salary of four thousand five hundred dollars.

**373. Appointive Officers.** A marshal is appointed by the court, who attends the sittings of the body and performs such duties as usually devolve upon such an officer. He receives four dollars per day besides such fees as are usually allowed sheriffs for similar duties. This body appoints also an official reporter whose duty it is to report the opinions and decisions of the court. He receives a salary of three thousand dollars per annum. He is an officer of the supreme court and has full access to the records. He holds office during the pleasure of the court. The constitution provides that this court shall also appoint a clerk who shall hold office for six years. His office is kept in the supreme court building at Jefferson City. He has charge of the records and under the direction of the judges he makes out the docket. He also makes such copies of the records and briefs as the law or the court may direct. He may employ two deputies and such other assistants as may be necessary. Each of the courts of appeals also appoints a reporter, marshal, janitor, and such other officers and attendants as are provided for the supreme court.

**374. Stimulating Questions.** 1. Should members of the supreme court be elected or appointed? Why?

2. Should they hold office for life or during good behavior? Give reasons.

3. Who is the presiding judge of the supreme court at this time?

4. Name the members of the supreme court and of the court of appeals of your district.

5. Who is the circuit judge of your county and what counties are included in his circuit?



## CHAPTER XII

### RIGHTS AND DUTIES

**375.** Article II. of the constitution of Missouri, known as the **Bill of Rights**, is devoted to a statement of principles, rights, and duties. Many of them are found in the national constitution, as embodied in the first ten amendments to that document, but as they are of interest to each citizen of the state, it is well to study them in their local bearing and application. A classified list of the leading points is given below with such explanations as are necessary to a clear understanding of them.

**376. Principles.** There are certain fundamental principles which give character and individuality to government.

1. The people are the source of power. In a democracy, the will of the people is supreme. In a republic, representatives are chosen to carry out the known will of the people. Constitutions are made and submitted to the whole body of the citizens for their ratification or rejection. When adopted, these constitutions represent the powers and limitations of government as sanctioned by the judgment of the people. The people regulate the local government, including the state, county, township and city, and they alter or abolish their constitution whenever it may seem best, provided, of course, that nothing is



done in violation of the provisions of the constitution of the United States. The people select legislative, executive, and judicial officers, and delegate to them, for the time, full authority to represent them and serve them in all matters relating to the administration of state affairs.

2. Government is organized to promote the general welfare. The greatest good to the largest number is a fundamental principle. Individual and private rights must not subvert the general interests. Popular government looks to the advancement and protection of those interests which meet the needs of the people as a whole. Furthermore, government must secure public convenience and render a real service to the citizenship of the state. Class legislation is severely condemned by the constitution.

3. Elections are free and open. The rights of the voter are carefully guarded and protected. No people can be free without an open ballot. The adoption of the Australian ballot system was a step in the direction of a freer and purer ballot. Every voter can demand that his voice shall be heard in the settlement of public questions. The humblest citizen, as a citizen, has equal rights with the most highly favored.

4. The military power is subordinate to the civil authority. Ample provision has been made for the execution of the law in case of failure on the part of the civil power. The people are careful to exercise the power which is given to them, and they look with suspicion upon any increase of the military power, except in so far as it may be necessary to support the civil authorities. A strong military force, in the hands of a designing executive,

might be the means of subverting the will of the people, hence the insertion of this idea into the bill of rights. This is a day of arbitration and not of force. Men argue questions and compromise differences. They resort to the milder means. The bayonet has been supplanted by the ballot, as reinforced by the best judgment of the masses.

**377. Rights of the State.** There are certain rights which the state claims, and some of these are guaranteed by the constitution of the United States.

1. Missouri claims the right of local self-government. Her people will never consent to any change in the national constitution which would in any way impair this right. The state has individual and local needs of which the general government is not presumed to know and concerning which it may not be interested. Any other theory would be contrary to the true principles of American freedom. The national government possesses delegated powers, but the right to control the local affairs of a state is not among them.

2. "Treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort." In order to convict a person of treason, two witnesses must testify "to the same over act," or confession must be made in open court.

3. "The people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance." This is a right which has been claimed from the earliest beginnings of free government.

**378. Personal Rights.** There are rights, privileges,

and prerogatives guaranteed to each citizen of the state. We select a few of the more important.

1. "All persons have a natural right to life, liberty, and the enjoyment of the gains of their own industry." To secure these ends, government is organized, and the humblest citizen may demand protection in these matters.

2. Each person has a "natural and indefeasible right" to worship God according to the dictates of his own conscience. Human authority cannot interfere with the rights of conscience. Religious opinion cannot render a person ineligible for office, disqualify him from serving on a jury or giving testimony as a witness, nor deprive him of any right secured to him by the laws of the state or nation.

3. Each person has free access to the courts of justice. Person, property, and reputation may thus be protected, and that too "without sale, denial, or delay."

4. "The people shall be secure in their persons, papers, homes, and effects from unreasonable searches and seizures." It is sometimes necessary to search the houses of private citizens and make seizure of articles, but these matters have been very carefully guarded, that injustice may not be done to any one. A search warrant is directed to the sheriff or the constable; but it cannot be issued except upon probable cause supported by oath or affirmation; and the place to be searched, or the person or thing to be seized must be described.

5. For felony, no person "shall be proceeded against criminally, otherwise than by indictment." Felony and indictment have been explained in the preceding chapter. The object of this provision is to prevent hasty action

against persons accused of violating the law. Punishment should be meted out to all law-breakers, but there is nothing in the fundamental law of the state or nation to justify unreasonable haste. Lynchings are without sanction. Those who engage in them are themselves guilty of violating the law and the constitution.

6. Each person has the right "to keep and bear arms in defense of his home, person and property, or in aid of the civil authority." The law of self-defense is one of the first laws of nature, and this provision is a recognition of that principle. But this clause does not justify the carrying of concealed weapons, without permission of the authorities.

7. "No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law." A man has the right to the enjoyment of the peace and protection of his own home. In time of peace, the will of the owner is absolute and even the army official must accept its decree. In time of war, however, it often becomes necessary to use private property for public purposes, allowing just compensation.

8. "Private property cannot be taken for public use without just compensation." In making public improvements, private property is frequently appropriated, but in every case provision is made for just and reasonable compensation. In the construction of railroads, the building of school houses, and the opening of public highways, private property must contribute to the public good. Were it otherwise, public interests would suffer at times, out of deference to individual desires, personal



greed, or peculiar whims. The right to thus take private property for public use is known as "the right of eminent domain."

**379. Prohibitions.** The constitution enumerates a number of prohibitions ; that is, a number of things which the state cannot do. We direct attention to the following:

1. No person can be compelled to contribute to any church, priest, or minister. This prohibition does not release a person from the performance of any voluntary contract which he may make in aid of religious work. A pledge to aid in the support of a minister, or to assist in the building or improvement of a church, or a promise to give aid to any other benevolent or religious institution or enterprise, is legal and of binding force.

2. Money cannot be taken from the public treasury, directly or indirectly, in aid of any minister or church institution.

3. No religious corporation can be established by the state.

NOTE.—These three principles look in the direction of a **complete separation of church and state**, which is a fundamental doctrine of true government. Each individual is left free to follow his own personal beliefs and desires. Public money, however, cannot be used for the advancement of any religious sect or denomination. Yet the protection of the state is guaranteed to each and to all in carrying out plans of church work and in the management of their benevolent institutions.

4. No law can be passed with a view to limiting the freedom of speech. No free government can prohibit a free interchange of opinion on all questions of public



moment. To do so would be to introduce the elements of a rank tyranny. All persons are free to write or speak what they please; yet each is held responsible for the abuse of this liberty. Punishment for libel and slander is provided by law, and the courts are frequently called upon to decide cases arising from accusations made against the character and good name of some citizen.

5. No *ex post facto* law can be passed. This clause is found in the national constitution also. A law is *ex post facto* which makes an act criminal that was not so when committed, or it increases the penalty of an offense after the commission of the crime. This prohibition is founded upon a self-evident principle of free government.

6. Imprisonment for debt is forbidden, except as a punishment for refusing to pay fines and penalties. Many honest men are unable to pay their debts, but the state refuses to say that they are criminals. Imprisonment for debt was a punishment inflicted under governments less liberal than our own, but in no state of our enlightened nation has such a measure been adopted.

7. Slavery is forbidden within the state.

8. The general assembly cannot attain a person of treason or felony, neither can conviction work corruption of blood or forfeiture of property. This means that the state cannot assess as the punishment of treason or felony the extinction of civil rights nor the forfeiture of estate. This is another provision which is found in the constitution of the United States. Were it not for this clause, undue excesses and abuses might be practiced in times of political excitement by the infliction of the punishments here prohibited.

9. "The privilege of the writ of *habeas corpus* shall never be suspended," says the constitution of Missouri. The constitution of the United States, however, provides for the suspension of the privilege of this writ by the Federal government when the public safety may require it, as in the case of rebellion or invasion. In no other cases may it be suspended. It is a writ which is issued with a view to securing relief in the case of persons who have been illegally arrested. Inquiry is made into the legality of the restraint or confinement of the prisoner. The writ commands the person making the arrest to bring the prisoner into court. In the hearing, the prisoner may be remanded or discharged, but the court cannot determine "the rights of parties." The law of Missouri provides that the prisoner can be discharged in the following cases: (1) where the court or officer has exceeded his jurisdiction in issuing the process; (2) where something has occurred since his arrest which would entitle him to a release; (3) where the process is legally defective; (4) where the process has been issued under circumstances not allowed by law; (5) where the process was not issued by the proper person or where the prisoner is in charge of a person not authorized by law to detain him; and (6) where the process was issued without authority of law.

**380. Rights of the Accused.** Under our laws, both state and national, a person accused of crime is considered innocent until proved guilty. The rights of the accused are carefully guarded and respected.

1. The accused has a right to a speedy and public trial. Were it not for this provision, innocent persons might be

kept under charge of crime for indefinite periods simply to gratify personal spite. The question of his guilt shall be determined by an impartial jury of the county.

2. He shall be informed of the nature of the accusation, and have the right to compel the attendance of witnesses in his favor. If he is not able to employ counsel, then the court appoints a member of the bar to manage his case for him. Without these rights a prisoner charged with crime would be left in a helpless condition.

3. No one shall, for the same offense, be twice put in jeopardy of life or liberty. After a jury or court renders a verdict of acquittal, the accused cannot be brought into court a second time on the same charge. If the jury finds him guilty, provision is made by law in certain cases for a new trial, or for an appeal to a higher court.

4. The accused cannot be compelled to testify against himself. The statutes provide, however, that the accused, or the wife or husband of the accused, as the case may be, may, at the option of the defendant, testify in his own behalf or in behalf of a defendant or co-defendant, and shall be liable to cross-examination on the points testified to; provided, that husband and wife shall not disclose confidential communications had between them as husband and wife.

5. Except for capital offenses, all persons shall be bailable by sufficient sureties. Excessive bail is expressly forbidden, however. Otherwise this provision might be abused to the extent of rendering it inoperative.

6. Excessive fines and "cruel and unusual" punishments are forbidden. A fine is a penalty requiring the payment of a certain sum of money as a punishment

for violating the law. When imposed by magistrates it must be reasonable. In like manner extreme punishments are forbidden.

**381. Duties.** The exercise of privileges and the enjoyment of rights imply in return the performance of important duties. If the citizen has political rights of which he cannot be deprived, he has likewise political duties which cannot be justly neglected. The citizen's duties touch upon the making of wise laws and their execution and interpretation, the selection of honest and capable men for public office, the apprehension and punishment of criminals, and the encouragement of all those institutions which look to the good of the community and the state. The good citizen obeys the law, answers every demand made by government, and aids, by his knowledge and wisdom, in the solution of all questions of public policy. Good government depends largely upon a wise and conscientious citizenship. We cannot better close this topic than by making a quotation from Samuel Smiles: "Selfishly used," he says, "political power is a curse; intelligently and impartially used, it may be one of the greatest blessings to a community. If selfishness begins with the governing classes, woe to the country that is governed. The evil spreads downward, and includes all classes, even the poorest. The race of life becomes one for mere pelf and self. Principle is abandoned. Honesty is a forgotten virtue. Faith dies out, and society becomes a scramble for place and money. Yet there are men who have refused to be bought, in all times and ages. Even the poorest, inspired by duty, have refused to sell themselves for money."



## CHAPTER XIII

### CITIZENSHIP AND SUFFRAGE

**382. Introductory.** Individuality of citizenship is a characteristic of the American nation. The largest liberty consistent with the public good, has become a political maxim with us. Composed, as it is, of all nationalities, tribes, ranks, occupations, and faiths, the government preserves, nevertheless, the equality and individuality of citizenship. Freedom of thought is encouraged, individual opinion is allowed, and personal responsibility is recognized. Bancroft expresses it thus: "As the sea is made up of drops, American society is composed of separate, free, and constantly moving atoms, ever in reciprocal action, advancing, receding, crossing, struggling against each other and with each other; so that the institutions and laws of the country rise out of the masses of individual thought, which, like the waters of the ocean, are rolling evermore."

**383. Citizenship.** The fourteenth amendment to the national constitution says: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." Upon the character of this citizenship Woodrow Wilson makes the following statement: "Citizenship in the United States illustrates the double



character of the government. Whoever possesses citizenship in this country is a citizen both of the United States and of the state in which he resides. He cannot be a citizen of the United States alone, or only of a state; he must be a citizen of both or of neither: the two parts of his citizenship cannot be separated." Indians maintaining their tribal relations are probably excluded from citizenship. Foreigners, aliens, may be admitted to citizenship either by special legislative enactment, or by naturalization under the general laws. The admission of a foreign state or country into the union with all the rights and privileges of other states, would entitle its inhabitants to full citizenship.

**384. Naturalization.** Naturalization is the act of investing an alien with the rights and privileges of citizenship. The rules for naturalization are prescribed by congress, as authorized by the constitution. While it is subject to regulation by the national law-making body, the law provides that the state as well as the federal courts may pass upon applicants. At this time the following conditions are imposed upon those who seek admission to citizenship:

1. The applicant must have resided in the United States at least five years, and one year in the state or territory that admits him. During that time he must have conducted himself as a good moral man.

2. At least two years before his admission, he must appear in court and make oath or affirmation that it is his intention to become a citizen of the United States, and to renounce all allegiance to other governments. This is called his declaration of intention.

3. After two years more, making a residence of five years in all, he must appear in court again and take the oath to support the constitution of the United States, renouncing allegiance to all foreign powers, and especially to the government of which he is a subject or citizen. This is known as taking the oath of allegiance, and completes the act of naturalization.

4. The applicant must establish by at least two witnesses, who must be citizens, that he has resided continuously within the United States for five years, and one year, at least, immediately before taking the oath of allegiance, in the state or territory in which he makes application; that he has behaved as a man of good moral character, and shown himself to be disposed to good order; and that he has given evidence of his attachment to the principles of the government.

**385. Certificate.** He is then given a certificate of citizenship, properly attested by the clerk of the court, which entitles him to all of the rights of native born citizens, except that he cannot, under any circumstances, be elected to the office of president or vice-president; nor can he serve as a member of either house of congress until he has been a citizen a certain number of years, seven years being required for membership in the house and nine years for the senate.

**386. Exceptions.** But provision has been made for certain exceptional cases. Doubtless a rigid following out of the conditions given above would work serious hardship in many instances. Hence congress has modified the general provisions of the law so as to include the following:

1. The naturalization of the parent carries with it the naturalization of the children who are under twenty-one years of age and residing in the United States.

2. A soldier, twenty-one years of age, having served one year in the United States army, and receiving an honorable discharge, may be admitted to citizenship without previous declaration of intention, on giving proof of good moral character. The fact that he has given a year's service in defending the country from the attacks of the enemy, is taken as conclusive evidence of his devotion to the country and its interests.

3. A seaman who has made his declaration of intention, and who thereafter serves three years on a merchant ship of the United States, can be admitted to citizenship on proof of good conduct and that the above service has been rendered. This service on his part is regarded as a sufficient test of his fitness to become a citizen.

4. If the applicant was a minor under eighteen years of age when he came to this country, he may be admitted after the age of twenty-one years without previous declaration of intention, if he has resided five years in the United States, including the three years of his minority. During this time he has had opportunities for informing himself concerning the laws of the country, and has had time to form an attachment for our institutions.

5. A woman who is eligible to naturalization under the laws, is a citizen by virtue of being married to a citizen, or becomes a citizen on marrying a citizen.

6. All children born beyond the limits of the United States, whose fathers are citizens, are declared to be citizens. Mere accident of birth in this case is not

considered sufficient to debar one from citizenship. The presumption is that the father will instruct his child in such matters of government as will enable him to intelligently discharge his duties.

**387. By Whom Admitted.** The law specifies that the applicant must appear "before a court of record having common-law jurisdiction and a seal and clerk, or before a circuit or district court of the United States, or before the clerk of either of the said courts." It will be seen that the applicant need not be put to any great inconvenience, since courts of record are quite numerous, one or more being found in every community.

**388. Rights.** Constitution: "The citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states." Once a citizen always a citizen. And herein is a recognition of the principle of inter-citizenship, first enunciated, it seems, in the articles of confederation. "Of old a family, a sept, a clan, a tribe, a nation, a race, owed its unity to consanguinity. Inter-citizenship now took the place of consanguinity; the Americans became not only one people, but one nation" (Bancroft). Again the constitution says: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." In the preceding chapter many of these rights were enumerated. They have been classified, by a recent writer, as coming under three general topics, viz.:

1. The right to personal security.
2. The right to personal liberty.
3. The right to acquire and enjoy personal property.



These are the privileges which arise by virtue of being a citizen of the United States. The citizen can demand protection in these, and the strength of the government is back of him. The alien must look to his own nation for a redress of grievances. But these are rights and privileges which seem to originate with the state. Says an eminent authority: "It must not be understood that the states are deprived of all jurisdiction to legislate respecting the rights and duties of aliens. They may permit or forbid persons of alien birth to hold, acquire or transmit property; to vote at state or national elections, etc." The latter privileges do not belong to United States citizenship as such.

**389. Duties.** The duties of citizenship have been referred to in the preceding chapter, and they will be taken up again in connection with the subject of suffrage. A compact citizenship, educated and patriotic, "is invincible by any force which our enemy can send against us." Whatever will strengthen and develop the citizen in his offices, broaden the sway of responsible government, and deepen true patriotic sentiment, will meet the approval and encouragement of those who appreciate the responsibilities resting upon American citizens. There are also duties relating to the financial burdens which should enlist the citizen. The expenses of government must be borne by those who are the recipients of its benefits. Taxation is a necessity, as all good citizens admit. At the same time, the burden of expense should be as light as the needs and demands of the state will permit.

**390. Suffrage.** It must be noted that some citizens



exercise rights, enjoy privileges, and assume responsibilities which do not belong to others. Suffrage, or the right to vote, is a special privilege conferred upon a certain class. Citizenship does not carry with it, as an inherent prerogative, the right of suffrage. Many citizens do not vote. Under present laws and conditions, probably not more than one in five of the inhabitants of the country vote in the various elections. Women and children are citizens, but the latter never vote, and the former are granted the right in a few states only.

**391. By Whom Conferred.** The right of suffrage is conferred by state laws and constitutions, and the qualifications of the voter are prescribed by the same powers. The constitution of the United States is comparatively silent upon these points. There are but three passages that touch upon them. The first is where it says that electors (meaning voters) of representatives "of each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature." According to this clause, whoever may vote for a member of the lower house of the legislature may vote for representatives in congress. If women, by state law, can vote for the former, they can vote for the latter also. Whatever qualifications are prescribed in the one case are prescribed in the other. No conditions are imposed by the national constitution, but those are left entirely to the states.

**392.** The second section of the **fourteenth amendment** says that whenever the right to vote at any election "is denied any of the male inhabitants of the states, being twenty-one years of age and citizens of the United States," the basis of representation, in that case, shall be reduced

in proportion. This is as near as the national constitution comes to stating the qualifications of a voter ; yet the real purpose of the clause is to impose a penalty upon the state for disfranchising legal voters.

**393.** The third passage is found in the **fifteenth amendment**, where it says that " The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." This clause is prohibitory, and forbids " race, color, or previous condition of servitude " as tests of suffrage, but it does not state any positive qualifications of the voter.

**394. States Decide.** The regulation of suffrage, then, is left to the states, the national government reserving only a general supervision and control over the election of members of congress. Each state prescribes the qualifications of its voters. The right to vote in a state or local election carries with it the right to vote in a national election. If you cannot vote for local officers you cannot vote for national officers. Some states allow none but citizens to vote ; others grant the right to foreigners also who have made their declaration of intention to become citizens. Among the latter are Alabama, Arkansas, Florida, Georgia, Kansas, Minnesota, Oregon, Texas, and Missouri. Some states require a property qualification, while others demand that the voter must have paid a poll-tax within a certain time. In Kansas women are allowed to vote in municipal elections, and in a few states they are allowed to vote in all elections by the people. Colorado belongs in the latter class, her people having adopted the suffrage amendment in 1893.

Lunatics, idiots, paupers, and persons convicted of high crimes are denied the right of suffrage.

**395. Voters' Responsibilities** Ours is "a government of the people, by the people, and for the people," and hence it is to the people that we appeal in cases of needed reform. Commenting on the preamble of the constitution, Bancroft says: "Here is no transient compact between parties: it is the institution of government by an act of the highest sovereignty; the decree of many who are yet one; their law of laws, inviolably supreme, and not to be changed except in the way which their forecast has provided." The people express their will by petition, by conventions, and by the votes cast in the elections. The measures thus adopted become binding upon all, and the officers thus selected become the servants and representatives of the people. Safe and judicious measures are demanded, and honest and capable officers are needed to make and execute the laws of the land. Vital questions are submitted to the voter and his best judgment is needed for their settlement. "To promote the general welfare," is one of the supreme ends of government. Individual interests must not conflict with it.

**396. Voting a Duty.** Voting is a positive duty. The man who enjoys the benefits arising from citizenship, should not forget the duties which grow out of his relations to government. His vote should be cast and his voice should be heard upon all questions submitted for solution. Yet there are those who are guilty of serious neglect in this matter. The *Sunday School Times* makes out a strong case against this class in the following paragraphs: "Apart from the comparatively few persons



who have conscientious scruples against voting, and who are, therefore, to be judged all by themselves in this matter, most of those who could vote, but who fail to do so, are neglectful of their plain duty through thoughtlessness or indifference. Many of them speak of their action, or their non-action, when they speak of it at all, as if they owed nothing to the government, and therefore did nothing for the government. They practically claim to live apart from the government, as neither dependent upon it nor responsible for it, and to be willing to do without the government, as the government must do without them. What if the government were to take such ungrateful citizens at their word, and withhold its protection and aid from them so long as they withhold respect and cooperation from it?

"In such a case, the streets would not be graded and paved in front of the homes of these citizens. Neither water nor gas would be brought to their houses. The fire department would not turn out to save their dwellings or stores from burning. The police would not protect their property or lives from depredation or violence. When they called for help for those dear to them, the government would shut its ears to their cry. No postal facilities would be granted to them for the giving or receiving of letters. Safety would no longer be assured to them in religious worship, or in private devotion, or in the quiet of home life. Neither peace nor civilization, nor any sign of material or intellectual progress, would be theirs as a certainty. How long, think ye, would this state of things be continued before the negligent and contemptuous citizen would cry out, 'Enough! I am

ready to help the government if the government will help me and mine?'"

**397. Authorities Quoted.** Here are a few decisions by national courts upon certain phases of citizenship:

"The general objects and purposes of the fourteenth amendment are to extend United States citizenship to all natives and naturalized persons, to prohibit the states from abridging their privileges or immunities, and from depriving any person of life, liberty or property without due process of law, and from denying to any person within their jurisdiction the equal protection of the laws."

"The main purpose of the first clause of the amendment was to establish the citizenship of the negro." "An Indian who has not been naturalized or taxed or recognized as such is not a citizen of the United States within the meaning of the amendment, although he has separated himself from his tribe and taken up his residence among the white citizens of the state." "The fourteenth amendment is prohibitory upon state action only, and does not reach the acts of individuals, hence congress cannot give a right of action for refusal to afford to negroes the same accommodations in inns, public conveyances and places of amusement as are enjoyed by white citizens."

**398. Stimulating Questions.** 1. "Can a person be a citizen of a state and at the same time not be a citizen of the United States?" See Andrew's Manual of the Constitution.

2. Are the Chinese subject to naturalization under our laws at this time?

3. Are women eligible to office in any of the states?

4. What reasons are offered as excuses for not voting?



## CHAPTER XIV

### ELECTIONS IN MISSOURI

**399.** In the preceding chapter we considered the subject of **suffrage** in its more general aspects. We now devote a chapter to its local phases, as it is exemplified in Missouri, including qualifications of voters, management of elections, and other related topics.

**400. Time.** In Missouri the general election is held once in every two years, on the first Tuesday after the first Monday in November. The election years are 1894, 1896, 1898, etc. For the purpose of filling vacancies, special elections may be held at other times.

**401. Place.** The county court establishes two or more election districts or precincts in each township of the county, as the convenience of the people may require. Polling places are designated by the court, and each man must vote in his own precinct. In cities and towns each ward is a precinct, or is divided into two or more precincts.

**402. Who May Vote.** Two classes of persons may vote in this state, provided they have the qualifications given below:

1. Citizens of the United States.
2. Those who have declared their intention to become citizens not less than one year nor more than five years before offering to vote.

The limitation of the voting population to these two classes is wise and prudent. Citizens and those who expect to become such will probably take greater interest in local affairs and they will exercise more judgment in the selection of officers and in the adoption of measures than those who feel no personal concern in such matters. It will be noted that persons of foreign birth must have taken out their first papers at least one year before offering to vote. This removes the temptation to issue naturalization papers without due consideration, which probably would not be the case if a shorter time were prescribed. If it has been more than five years since the person made his declaration of intention, he cannot vote. Many have seriously doubted the wisdom of allowing any except citizens the right of suffrage, and it is a question worthy of candid consideration.

**403. Qualifications of Voters.** The constitution and laws of the state prescribe that the above two classes must possess the following qualifications :

1. **They Must be Males.** Women are not given the right of suffrage in Missouri, though they have been elected to office. Several ladies hold the office of county school commissioner, and one or two have been elected to the office of county clerk. A recent session of the legislature refused, by a very decided vote, to limit eligibility to office to male citizenship.

2. **They must be twenty-one years of age.** This is the age usually required by the states. Younger persons are not deemed to be sufficiently mature in judgment to consider properly the questions of public policy which come before the people. Furthermore, a young man

does not reach his majority until he arrives at the age of twenty-one. Before that time, he is presumed to be under the control and direction of his parents or guardian.

3. **They must have resided in the state at least one year.** This is necessary in order that they may acquaint themselves with the needs of the state as well as with the candidates who present themselves for the various offices. It serves also as a check against illegal voting

4. **They must have resided in the county sixty days.** The law reads, "in the county, city, or town," where they offer to vote. This limit gives the voter some time in which to inform himself upon local candidates and questions, and it also prevents, to an extent, the "importation of voters."

All persons possessing the above qualifications may vote in Missouri at any election, state or national. Those who do not possess these points of qualification cannot legally exercise the right of suffrage; and any infringement of the law on their part would subject them to severe punishment.

**404. Residence Explained.** A man votes in the precinct where he permanently resides. The constitution of Missouri expressly states that a person does not gain or lose a residence, (1) by virtue of being employed in the service of the state or of the United States, nor (2) by virtue of being engaged in navigation, nor (3) by virtue of being a student in any institution of learning, nor (4) by virtue of being confined in an asylum or poor-house at public expense, nor (5) by virtue of being confined in a public prison. Students and state and national officers must vote at the place of their permanent abode. If a



man's place of business is in one precinct and his family in another, he must vote at the latter place. These are wise provisions. Without them there could be no safety against what has been called "carpetbagism." Also, the students of a large school could decide the local election in many of the towns of the state.

**405. Who may not vote.** The following classes of persons are denied the right of suffrage in this state :

1. Inmates of poor-houses and asylums kept at public expense.

2. All persons confined in public prisons.

3. Officers, soldiers, or marines in the army or navy of the United States. These persons have only a temporary residence in the state, and they are not presumed to be especially interested in local election affairs.

4. "Persons convicted of felony or other infamous crimes or misdemeanors connected with the exercise of the right of suffrage." A full pardon removes disability in the latter case, but a second conviction forever debars the individual from the right of voting in the state.

**406. Protection to Voters.** Constitution : "Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom." For any offense except the three mentioned, voters are protected by law against arrest. This is to prevent the annoyance of voters for partisan ends. Were it not for this clause, large numbers of electors might be placed under arrest upon groundless charges, by designing and partisan opponents for the purpose of defeating the will of the people.

**407. Polls.** The polls, or voting places, must be open at seven o'clock in the morning and continue open until six o'clock, or sunset. In cities of twenty-five thousand or more, the polls must be open from six o'clock in the morning until seven in the evening.

**408. Ballot-Boxes and Poll-Books.** The sheriff provides two ballot-boxes for each precinct and deposits them with the constable whose duty it is to preserve them and, at the proper time and place, to present them for the use of the judges of the election. Two poll-books of legal forms are also furnished each precinct.

**409. Judges of Election.** The county court appoints four judges of election for each precinct, each of whom must be a qualified voter and able to read and write. The judges appoint four clerks who record the names of all voters. The judges receive, number, and deposit the ballots, see that the name of each voter is entered by the clerks, decide challenges, count the votes, and make proper returns of the same.

**410. Returns.** The judges count the ballots, seal them up in a package, and deliver them to the county clerk who preserves them for twelve months. These returns are not subject to inspection except in case of election contests. The poll-books are also footed up, signed by the judges, attested by the clerks, and public announcement made of the results to the persons present. Within two days, one poll-book is transmitted to the county clerk, and the other is retained by the judges, open to the inspection of all persons.

**411. Casting up the Returns.** Within five days after the close of the election, the county clerk takes to his



assistance two justices of the peace or two judges of the county court, who publicly "examine and cast up the votes given to each candidate," and the clerk issues certificates of election to those who have the highest number of votes. In this examination they have no right to go behind the returns as received from the judges of the various precincts. For information concerning certificates to district and state officers, see preceding chapters.

**412. Compensation.** The judges and clerks receive from the county such compensation as the county court may deem reasonable, not to exceed one dollar and fifty cents per day.

**413. Australian Ballot System.** For a number of years there has been a strong sentiment in favor of a closer supervision of the ballot. Many states have passed more stringent laws than previously existed. What is known as the Australian Ballot System seems to have met with great favor with those who have given a close study to the question of ballot-reform. Missouri has adopted the system with certain modifications which were necessary to adapt it to the conditions which prevail in the state. The results so far have been most gratifying to all who favor a full and free expression of the people upon public questions. The following paragraphs include the main features of the Missouri law.

**414. Advantages.** The system provides for a secret ballot, which favors freedom of opinion and independence of action. It has many advantages over the old plan, among which the following are prominent :

1. It acts as a powerful check upon bribery, since no

one is permitted to accompany the voter into the voting place. Few men will undertake to purchase a vote unless they can be sure that it will be cast in favor of their measures. This cannot be certainly known without witnessing the actual deposit of the ballot.

2. It gives every man the opportunity to vote as he pleases, since he is secured against intimidation. As ballots are not distributed promiscuously, the voter's ticket cannot be prepared for him, nor inspected by others after it has been prepared.

3. For the same reasons it diminishes the amount of trading at the polls.

4. It is favorable to quiet and good order on election day.

**415. Nominating Candidates.** Candidates for office may be nominated by a convention of delegates appointed for that purpose, or by a primary election. In the latter case judges and clerks are appointed and sworn, and the method of voting is similar to that of a regular election. None except qualified voters are permitted to take part in the primary. Penalties are assessed for illegal voting and for fraudulent returns. Any political party which polled as much as one per cent of all the votes cast at the last election, may make nominations by either of the above methods. If the nomination is made by convention, then the certificate must be signed by the presiding officer and the secretary. If the nomination is made by primary election, then the certificate must be signed by the chairman and the secretary of the political, or party committee. Certificates of nomination may be issued also by getting the signatures of one per cent. of the

voters of the district covered by the jurisdiction of the office.

**416. Certificates Filed and Certified.** Certificates of nomination for offices to be filled by the voters of a division larger than a county, must be filed with the secretary of state, not more than sixty nor less than twenty days before the election. For all other nominations, certificates must be filed with the county clerk, not more than sixty, nor less than fifteen days before the election. Not less than eighteen days before the election, the secretary of state certifies to the county clerk the names of the nominees for each office as specified by the certificates on file in his office. These names, together with those on file in his own office, the county clerk publishes in two newspapers within the county, the list being arranged in the order and form of the official ballot.

**417. Booths.** Screened booths or compartments are erected at each polling place. These are provided with such supplies and materials as are needed by the voter in the preparation of his ticket. A guard or rail is so constructed that only those within the railing can approach within five feet of the booths or the ballot boxes. The officers of election and the voters who are preparing or depositing their ballots are the only persons allowed within the enclosure, but not more than one person is permitted to occupy a booth at the same time.

**418. Form of Ballot.** Each ballot contains the names of all the candidates that have been properly filed and certified. The names of the candidates of each party are grouped, each group being headed by the name of the political party making the nominations. Under each



name is left a blank space large enough for a written name. See the ballot given at the close of this chapter. None but official ballots can be used or counted.

**419. Distribution of Ballots.** The county clerk provides each precinct with one hundred ballots for every fifty or fraction of fifty voters, one-half of which are given to the judges of the election and the remainder are sealed and delivered to the constable to be given to the judges only in case of necessity. Thus it will be seen that each ballot is kept in the hands of the officials to be given out one at a time to the voters as they pass into the voting booths.

**420. Method of Voting.** Each voter receives from the judges one ballot on the back of which is written with ink or indelible pencil the names or initials of two of the judges; he retires at once to one of the booths, where he prepares his ballot. This is done by crossing out the groups he does not desire to vote and then making such changes in the names on the remaining group as he desires. He then folds the ballot so as to conceal the face, and votes at once before leaving the polls. If from any cause the voter is not able to prepare his own ballot, the judges may prepare it for him as he shall direct.

**421. Exempt.** The provisions of the Australian system do not apply, (1) to the election of officers determined otherwise than by ballot, (2) to township and village elections, (3) to school elections, (4) to the election of school commissioner, and (5) to the election of road overseers.

**422. Election Expenses.** All expenses are paid by the county, city or town holding the election.

**423.** In cities of three hundred thousand inhabitants, the **recorder of voters** takes the place of the county clerk in certifying nominations, etc. Other changes are made in the general law so as to adopt it to the needs of such cities.

**424. Corrupt Practices.** With a view to preventing corruption in the management of political campaigns, the legislature passed a law which imposes strict limitations and conditions upon candidates for office. By this act it is made bribery to secure votes by giving or promising to give, either personally or through the intervention of another, money, office, place, or any other valuable thing. The giving of meals or entertainments by candidates or others with a view to securing votes is also forbidden.

**425.** A limit is also imposed as to the amount of money a candidate may expend for campaign expenses. He must bring his expenditures within the following amounts: He may expend one hundred dollars to five thousand voters or less; two dollars to each one hundred over five thousand voters and under twenty-five thousand; one dollar to each one hundred voters over twenty-five thousand and under fifty thousand, and fifty cents to each one hundred over that number.

**426.** Within thirty days after the election, the candidate or each candidate for office must file with the officer authorized to issue certificates of election an **itemized statement** of all his campaign expenses, giving in detail the purposes for which the money was expended together with the amounts in each case. A duplicate of the statement must also be filed with the recorder of deeds of the county in which the candidate resides. No com-



mission or certificate of election can be issued until this statement is made and filed. All candidates who fail to comply with the requirement are liable to a fine not exceeding one thousand dollars.

**427.** If at any time the **person receiving next to the highest number of votes** can show that the incumbent violated any of the provisions of the law during the canvass preceding the election, he may prosecute him as a usurper and have him removed from his position.

**428. Remarks.** The author is of the opinion that too little attention has been given heretofore to the cases presented in this chapter and the preceding one. It is hoped that the schools will teach more of local government, and thus prepare the young men for an intelligent discharge of the duties of citizenship. Few subjects possess more interest when properly presented. Illustrations may be found upon every hand which will serve to impart information concerning local government and at the same time impress lessons of duty. The teacher may provide himself with much material which will be valuable in teaching the facts of state management. Copies of ballots and reports of nominating conventions and primaries will do good service in the hands of a live teacher.

**429. Stimulating Questions.** 1. Why should an official ballot be provided?

2. What were some of the objections to the old system of voting?

3. Discuss the question of ballot reform.

4. Should women be allowed the right of suffrage?

5. Mention some common misapprehensions concerning the regulation of suffrage.

## 430. Part of the Official Ballot Used in Missouri in the General Election of 1892.

Democratic Ticket.	Republican Ticket.	Prohibition Ticket.	People's Ticket.
<i>For Governor:</i> William J. Stone.	<i>For Governor:</i> William Warner.	<i>For Governor:</i> John Sobieski.	<i>For Governor:</i> Leverett Leonard.
<i>For Lieutenant Governor:</i> John B. O'Meara.	<i>For Lieutenant Governor:</i> Rudolph W. Mueller.	<i>For Lieutenant Governor:</i> William Stevenson Crouch.	<i>For Lieutenant Governor:</i> George W. Williams.
<i>For Secretary of State:</i> Alexander A. Lesueur.	<i>For Secretary of State:</i> Henry T. Alkire.	<i>For Secretary of State:</i> Edwin E. McClellan.	<i>For Secretary of State:</i> David B. Page.
<i>For State Auditor:</i> James M. Seibert.	<i>For State Auditor:</i> John M. Weeks.	<i>For State Auditor:</i> David L. Stewart.	<i>For State Auditor:</i> Joseph B. Dinen.
<i>For State Treasurer:</i> Lon V. Stephens.	<i>For State Treasurer:</i> Fred J. Wilson.	<i>For State Treasurer:</i> Monroe Ingraham.	<i>For State Treasurer:</i> D. N. Thompson.
<i>For Attorney General:</i> Robert F. Walker.	<i>For Attorney General:</i> David Murphy.	<i>For Attorney General:</i> Walter Emmett Johnson.	<i>For Attorney General:</i> William R. Little.

"You can't vote on all these groups. You must cross out all the names on all the tickets except one. If there is anybody on the ticket remaining whom you don't want to vote for, scratch his name off and underneath it write the name of the person you want to vote for. You will have to do your voting under one of the headings—Democratic, Republican, People's or Prohibition."—A. A. LESUEUR, Secretary of State.

## CHAPTER XV

### PARTY MANAGEMENT

**431. Parties.** Political parties have existed in this country since the time of its early history. Different theories of governmental management have given rise to as many organized parties, each working on definite lines of policy and striving for recognition and supremacy. In general we may say that political parties have been organized to secure legislation upon questions of public policy, and to select men for office whose views harmonize with those formulated in the party platform. Each party desires that the laws shall embody its theories, and that the interpretation and execution of the laws when made shall be in accord with the principles which it advocates. The party in power tries to maintain its supremacy by arguing that its principles are best adapted to the ends of good government; while the parties not in office, with equal diligence, set forth similar claims for their theories. A political party organized on any other principle than that of trying to provide an efficient system of governmental administration, is unworthy of recognition. A party which looks only toward the securing of place for its leaders, is a dangerous organization and is unworthy of encouragement by those who consider the good of the country.

**432. Necessity.** Political parties serve important functions in the affairs of a free state. Macaulay's reflections on the necessity for parties in England will enforce this point. He says: "It would not be difficult to compose a lampoon or panegyric on either of these renowned factions. For no man not utterly destitute of judgment and candor will deny that there are many deep stains on the fame of the party to which he belongs, and that the party to which he is opposed may justly boast of many illustrious names, of many heroic actions, and of many good services rendered to the state. The truth is that though both parties have often seriously erred, England could have spared neither. If, in her institutions, freedom and order, the advantages arising from innovation and the advantages arising from prescription, have been combined to an extent elsewhere unknown, we may attribute this happy peculiarity to the strenuous conflicts and alternate victories of two rival confederacies of statesmen, a confederacy zealous for liberty and progress." Similar claims are made for the existence of parties in our own country.

**433. Classes of Officers.** A large number of officers are required to make and administer the laws of the state and the nation. There are city and village officers; officers required for the township, county, and the district, and for the state and the nation. While the president and vice-president are the only elective national officers, yet the former appoints thousands of subordinates who assist in the execution of the laws of the nation. As the parties must present candidates for all of these positions of trust, it will be seen that there is involved no small amount of labor and executive management.



**434. Party Organization.** Only by a very perfect system of organization could it be possible for the parties to do this work. Arrangements must be made for the nomination of candidates, for the management of the campaign, and for the perpetuity of the party organization. Committees are appointed, canvassers are employed, and managers are put in charge of each division of the work. The general plans of work of each party are about the same, all following out the same methods and using about the same means.

**435. National Committee.** The national convention of each party appoints a national executive committee composed of one member from each state and territory. This committee has in charge the management of the campaign for the election of national officers. By means of an executive or campaign committee, speakers are appointed in the various states, campaign literature is distributed, and money is collected to defray the expenses. On the approach of an election this committee issues a call for a national convention, selecting the time and place of the meeting, and fixing the ratio of representation from each state.

**436. State Committee.** In each of the states, a central committee is appointed by the preceding nominating convention, to take charge of the campaign for the election of state officers. This committee manages the campaign within the state, and at the proper time, issues the call for the next nominating convention, selecting the time and place for the same, and fixing the ratio of representation from each county.

**437. Other Committees.** The county committees

are also appointed by the county conventions to look after the canvass for county officers. The senatorial, judicial, and congressional districts of the state likewise have committees to manage the affairs within their respective jurisdictions. The county committee is usually composed of one member from each township, and each district committee is composed of one member from each county.

**438.** The work of each of the above committees ends with the assembling of the convention for the nomination of candidates for the succeeding campaign.

**439. Conventions.** Candidates for office are usually presented by conventions. With the exception of the national convention, the conventions first held are usually those having the more limited jurisdiction. In obedience to a call by the county central committee, the townships appoint delegates to attend the county convention held for the purpose of nominating candidates for the county offices. This convention or a similar one also appoints delegates to attend the state convention. The latter duty is frequently performed by a separate convention held for that specific purpose.

**440. State Convention.** At the call of the state central committee, the counties, as above indicated, select delegates to the state convention. This body adopts a platform, following the general principles as enunciated by the national convention, and taking a position upon the questions of local interest; nominates candidates for the state offices; and may select delegates to attend the national convention. Delegates to the national convention are generally selected, however, by another conven-

tion which is held before the regular state nominating convention.

**441. National Convention.** The national convention nominates candidates for but two offices,—president and vice-president. This convention adopts a platform of principles which is taken as an official statement of the party upon the questions before the people. This is usually the first convention held for the nomination of officers. It will be seen that by this plan or system the various political parties are enabled to present candidates for each office to be filled.

**442. The Primary.** In case the political party makes use of the primary in the selection of candidates for state and local offices, the work of the conventions as given above is omitted. The committees remain the same, however. The general assembly of Missouri has recognized the primary, and made provision for it by the adoption of stringent rules and regulations for its management. The law provides that the procedure must be similar to that of an election. Judges are appointed, tickets are provided, polling places are opened, and returns are made of the results, all conducted under definite rules of law. The state has thus recognized the political party as a part of the machinery of government.

**443. Duties.** Inasmuch, then, as so much is involved in party management, it would seem to be the duty of each citizen to attend the caucuses, the primary elections, and the conventions of his party. If reliable men manipulate the primaries, honest and capable officers will be selected, just measures will be adopted, and the views and interests of the people will be respected. Even a



minority, strongly advocating the cause of right and justice, can do much to weaken and counteract the influence of a corrupt majority. In the primary is the place to defeat corrupt candidates and bad measures. Here the voice of the people should be heard, and that voice usually expresses the sentiment of right and justice.

**444. The Caucus.** The caucus is a meeting of individuals called for the purpose of agreeing upon candidates or measures to be presented to a convention of the party. The caucus may become a dangerous influence for evil, or it may be of great service in elevating good men to power. Bad men and unfair and dangerous measures may be defeated in the caucus as well as in the primary election or the convention.

**445. The Canvass.** After the candidates have been nominated, the real campaign between the parties begins. Each tries to secure the number of votes necessary to success. Speeches are made and political documents are distributed, discussing differences, advocating certain lines of policy and condemning others, until almost every phase of the theories in dispute has been clearly presented. The corrupt practices act, passed by the general assembly of Missouri, imposes very close restrictions upon candidates for public office. (See the preceding chapter for a general outline of the law.)

**446. Party Fealty.** We have shown that the political party performs a very important function in the economy of state affairs. And it follows that each citizen can justify himself in being a member of some party, and each owes to his party a certain fealty,—a certain moral and positive support. Party, however, must not be made



an end, but it should be a means to the accomplishment of a certain definite purpose; and that purpose should be the advancement of the interests of the state and nation. Party fealty does not supplant patriotism, and men must not demand more attention than principles. The place-hunter and the place-retainer are succeeded by true men who embody in their theories and live out in their lives the principles of true patriotism. Love of country, the good of the people, and the development of a model system of government, are the inspiring purposes which should prompt toward party success. Every citizen may support the party whose principles can bear such tests as these.

**447. A Contrast.** Dr. James Freeman Clarke presents a strong contrast between the statesman and the time-serving politician, or demagogue. He says:

"A politician thinks of the next election; a statesman, of the next generation.

"A politician looks to the success of his party; a statesman for that of his country.

"A statesman wishes to steer, while a politician is satisfied to drift."

**448. Stimulating Questions.** 1. Show, if you can, how the preliminary work of an election could be done without organized parties.

2. What good has been done by the "independent" in politics?

3. What is the relative strength of the various political parties at the present time?

4. Are you able to give the characteristic differences between the two leading parties of the day?

## CHAPTER XVI

### REVENUE AND TAXATION

**449. Necessity.** No government could long exist without the power to levy taxes and collect revenues. National officers must be paid; public buildings must be provided; and provision must be made to defray the expenses of the administration of the law in all of its departments. These expenses must be promptly met, otherwise the government cannot maintain its credit at home and abroad. A strong financial system is necessary to the strength of the nation. In times of war the nation is frequently put to its utmost strength to meet its obligations.

**450. Principles.** To collect all of these revenues and to meet all the demands upon the treasury of the nation, require thorough system and exact methods of work. There are a few general principles of taxation which have been quite closely followed in modern times, though they have given rise to some difference of opinion. Adam Smith has stated four of these maxims as follows: " 1. The subjects of every state ought to contribute toward the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under *the protection* of the state. 2. The tax which individuals

are bound to pay ought to be certain, and not arbitrary ; the time of payment, the manner of payment, and the amount to be paid, ought all to be clear and plain to the contributor and to every other person. 3. Every tax ought to be levied at the time and in the manner in which it is most likely to be convenient for the contributor to pay it. 4. Every tax ought to be so contrived as both to take out and keep out of the pockets of the people as little money as possible over and above what it brings into the public treasury of the state." To these a fifth has been added, viz.: "The heaviest taxes should be imposed on those commodities the consumption of which is especially prejudicial to the interest of the people." The second maxim is especially applicable in the case of all direct taxes, but it meets with a partial exception in case of indirect taxes inasmuch as they are paid as a part of the cost price of the article. Upon the third principle it may be remarked that the state is wise in collecting taxes at a time of the year when money is most plentiful. The fourth maxim is violated when large amounts of collected revenue are allowed to accumulate in the public treasury, thus encouraging extravagance and inviting speculation. Better let the surplus remain in the pockets of the people. The fifth maxim is quite closely followed by the national government, in that its entire internal revenue is collected from articles of luxury.

**451. Kinds.** A tax is a sum of money laid upon the property or persons of a country for the support of the government. There are two kinds of taxes, direct and indirect. Direct taxes are those that are levied upon property or persons, and they are paid by the person

against whom they are assessed; such, for example, as taxes on lands or personal property. Indirect taxes are such as are collected on articles of consumption, and they are paid by the consumer, since they are always charged and added as a part of the cost price. Customs and the tax on liquors, tobacco, and beer are indirect. The national government has the power to levy a direct tax, but at this time it is supported almost entirely by means of indirect taxation. The state and county revenues are raised for the most part by direct taxes.

**452. Customs.** No part of the taxes which we pay to the collector of the county goes to the national government, but it is used within the limits of the state. The federal government charges custom duties which are taxes levied upon imports and exports, but as export duties are prohibited, we tax imports only. These are collected at the custom houses by officers appointed for that purpose. A list of custom duties is called a tariff, and a large amount of discussion has arisen as to what articles should be included in such list and as to what rate of duty should be levied. If imports are reckoned according to the quantity of the articles taxed, they are called *specific* duties; while if they are assessed in proportion to value, they are called *ad valorem* duties. Much the larger portion of the nation's revenue is derived from customs.

**453. Internal Revenue.** Internal revenue, frequently called an excise tax, is derived from articles produced within the country. The principal articles at this time upon which such tax is collected are tobacco, spirits, incomes and beer. It is collected by collectors who are *stationed* in different parts of the country.



**454. Uniformity.** Constitution: "All duties, imposts, and excises shall be uniform throughout the United States." By this provision each state must pay its proportionate share in raising money for defraying the expenses of government; that is, each pays in proportion to the amount of its imports.

**455.** The above topics relate largely to the national government. **State revenue** will receive attention in the following paragraphs, special prominence being given to the subject as exemplified in the laws and constitution of Missouri.

**456. Necessity for State Taxes.** Each state must make provision for defraying the expenses of its local government. State, county, township, and city officers must be paid for their services; buildings for public use must be erected; streets must be made; roads must be constructed and kept in repair; and many other things must be done which require the expenditure of large sums of money. As the state does not engage in business enterprises for profit, it is readily seen that money must be secured by some system of taxation. Each citizen is the recipient of the blessings arising from government, and each is required to assist in defraying the expense which necessarily follows.

**457. Purposes.** The state has the sovereign right to levy by law a tax upon all property, personal and real, for the support of the government, the payment of the public debt, and for the advancement of the public interest. The last purpose is very broad in its scope and application, and it might be of interest to the pupil to make a list of the items it would include.

**458. Sources of Revenue.** All personal property and all real estate, with the exceptions noted below, are subject to taxation. In addition to these, the state receives large amounts from the following sources: licenses on merchants, dramshops, and peddlers; billiard and other tables; tax on corporations, express companies, and foreign insurance companies; and notarial commissions. Aside from the money raised by assessment against personal and real property, the largest sources of revenue to the state are dramshop licenses, licenses on merchants and manufactures, tax on corporations, and tax on foreign insurance companies, in the order named.

**459. Exemptions.** The following are exempt from taxation in Missouri: Persons in the United States army; property belonging to a city, a county, or the state, or to the United States; property granted by the state or the United States for the purposes of education; lots of one acre and located in cities or towns or within one mile of them, and lots of five acres if one mile or more distant therefrom, when used exclusively for religious, school, or charitable purposes; also real estate and personal property used exclusively for agricultural or horticultural societies. What good reasons can be given for making these exceptions?

**460. Assessment.** Before a tax-levy can be made it is necessary to know the amount of taxable property within the jurisdiction of the authority making the assessment. Hence, assessors are elected or appointed in the counties, townships, cities, and villages, who prepare lists of all property subject to taxation, together with the valuation thereof, which is usually listed at less than its actual

value. In Missouri personal property is assessed annually while real estate is assessed but once in every two years.

**461. Equalization.** As it is the aim and intention to have a uniform basis of valuation, it becomes necessary to provide for a review of the assessments as made by the regular officers. For this purpose, a board of equalization is provided in each town, city, and county, and also in the state. The local and county boards meet on the first Monday in April of each year to hear complaints, and make such changes in the assessment as they may think necessary and just, subject to the rulings of the state board of equalization. The state board performs a similar duty for all the counties, equalizing the valuation of the various kinds of property in the state, whether it belongs to individuals or to corporations. This board meets annually at Jefferson City, the capital of the state, on the last Wednesday in February.

**462. Tax Rates.** After knowing the amount of property against which taxes may be levied, and knowing also the total amount to be raised, the authorities then determine the rate per cent. But the constitution imposes certain limitations beyond which they cannot go, which are about as follows:—

**463. For State purposes,** exclusive of the tax for the payment of the bonded indebtedness of the state, the present rate is fifteen cents on the hundred dollars' valuation; nor can it be more than this unless the assessed valuation of the property of the state should fall below nine hundred million dollars. In no case can the rate exceed twenty cents on the hundred dollars.

**464. For County purposes,** the rate ranges from

thirty-five cents on the hundred dollars to fifty cents, depending upon the total amount of property in the county.

**465. For City and Town purposes,** the rate is from twenty-five cents to one hundred cents on the hundred dollars, depending, in this case, upon the number of inhabitants. (For limitations governing assessments for school purposes, see the chapter on The School.)

**466. Collecting Taxes.** Except in counties having township organization, all taxes, except town and city taxes, are collected by the county collector. He must give twenty days' notice of the time and place at which he will meet the people of the various townships for the purpose of receiving taxes. The collector remits each month to the state and county treasurers respectively the amounts belonging to each which have been collected during the preceding month.

**467. Penalties.** A penalty is imposed for the non-payment of taxes when due. They are due on the first of September, and they become delinquent on the first of January following. From the time of becoming delinquent, a penalty of one per cent. a month is charged. The collector has power also to seize and sell property for taxes after the first of October, before or after they become delinquent, provided he has made demand for payment either in person or by deputy.

**468. Stimulating Questions.** 1. What are the main features of the income tax law?

2. What arguments can be given in favor of taxing bonds and notes?

3. Why should the state have the power to sell property for the payment of taxes?



## CHAPTER XVII

### STATE INSTITUTIONS

**469.** The principal state institutions of Missouri are the university, the normal schools, the penitentiary, the reform schools, the asylums for the insane, and the schools for the deaf and the blind. These have been established, organized, managed, and supported by the state at the expense of the tax-payers. Experience has shown that they are necessary to the welfare, comfort, and prosperity of the people.

**470. The State University.** The purpose of a university is to provide instruction and training of the highest order in every department of art, knowledge, culture, and investigation. Provision should be made for every line of study, and the work should be thorough and complete. The necessity for such an institution, established and supported by the state, is now recognized upon every hand.

**471.** The University of the State of Missouri was officially located at Columbia in 1839, and the work of giving instruction began in April, 1841. The school is now fully equipped with new, elegant, and suitable buildings, and a large amount of apparatus for use in the various lines of investigation. It includes at this time, (1894) twenty-three departments of instruction, all of

which are located at Columbia, except the school of Mines and Metallurgy, which is at Rolla.

**472.** The **general management** of the institution is entrusted to a board of curators, composed of nine members, appointed by the governor, by and with the advice and consent of the senate, for a term of six years. The curators are charged with the protection and improvement of the grounds and buildings, and with the making of the rules for the admission of pupils. They have power to appoint and remove the president and professors, and to fix their compensation. They may confer such degrees as are usually granted by similar institutions. They are also responsible for the financial management of the institution. The university is supported in part by legislative appropriation, and in part by funds arising from a permanent endowment.

**473. Normal Schools.** Three normal schools have been established for the training of white teachers and one for the training of colored teachers. These institutions are made a part of the public school system, though they are dependent for their support upon appropriations by the general assembly.

**474.** The **First District Normal School**, located at Kirksville, began its sessions as a state institution January 2nd, 1871; the **Second District Normal**, located at Warrensburg, began work May 10th, 1871; while the **Third District Normal**, located at Cape Girardeau, opened its doors to pupils December 10th, 1873. **Lincoln Institute**, located at Jefferson City, has been established for the training of colored teachers and has been receiving aid

from the state since 1866. A normal department has also been organized in connection with the university, and has been in successful operation for a number of years.

**475.** These schools charge a small fee of admission which is used to defray the incidental expenses, the state appropriating the money for the payment of the teachers and for the repairing of the buildings and the improvement of the grounds.

**476.** Each of the normal schools is under the control of a Board of Regents composed of seven members, the superintendent of public instruction being *ex-officio* a member of each board. The other members are appointed by the governor and serve for a term of six years.

**477.** The Normal school diploma is a life certificate to teach in the state without further examination. The schools also grant a certificate to those who complete satisfactorily one-half of the course, which is a certificate to teach in the state for a period of two years.

**478. Eleemosynary Institutions.** The statutes include under this division the three asylums for the insane, the school for the blind, the deaf and dumb institute, and the two reform schools.

**479.** The management of these institutions is vested in a board of managers for each institution, composed of five members appointed by the governor for a term of four years.

**480.** The board takes control of whatever property belongs to the institution, manages the purchase of supplies and the payment of all expenses as prescribed by law, appoints the officers of the institution and makes all needful rules and regulations for its management and government.



**481. Deaf and Dumb.** This school is located at Fulton and it is well provided with suitable buildings and necessary apparatus. The object of the instruction is the education of the deaf and dumb between the ages of eight and twenty-one, "in the use of written and sign languages, the elementary branches, and in mechanical trades and industrial pursuits." Girls and boys are each taught such trades as will be of practical use to them in the affairs of life. They are allowed to attend for a period of ten years unless sooner excused by the superintendent or the board. Under certain conditions, the county court may defray the expenses of those who are unable to pay their own way.

**482. The Blind.** The school for the blind is in the city of St. Louis. Its object is the instruction of blind persons of suitable mental and physical capacity between the ages of nine and twenty-five years. Such persons, if residents of the state, may remain in the institution for eight years, and in special cases for a longer period, not to exceed ten years. In the case of indigent persons, the county court may defray the expense of attendance.

**483. Reform School for Boys.** There has been established at Boonville a school for the reformation of boys of vicious habits and for the care of "such boys as are homeless or surrounded by such associations as are liable to lead them into vice." All such are to be educated into habits of industry with a view to making of them good and useful citizens.

**484. Two classes of boys** are admitted, (1) those under sixteen years of age who have been convicted of any crime or misdemeanor punishable by fine or imprison-



ment, and (2) those under eighteen who have been convicted of any felony, provided the court shall commute the punishment to commitment to the reform school. Boys must be at least eight years old before being committed to the school, but those who are sent there must remain until they arrive at the age of twenty-one.

The expense in each case is met by the county from which the offender is sent.

**485. Home for Girls.** The industrial home for girls is at Chillicothe where provision has been made for the reformation of girls between the ages of seven and twenty-one years who have been convicted of any offense not punishable by life imprisonment. The county from which the girl is sent pays the expense, amounting to one hundred and fifty dollars per annum for support and twenty-five dollars for clothes.

**486. Asylums.** There are three asylums for the insane, Nos. 1, 2, and 3, located respectively in Fulton, St. Joseph, and Nevada.

**487.** Each of these institutions is controlled by a **Board of Managers** who appoint a superintendent, assistant physicians, treasurer, steward, and matron; prescribe their duties and fix their term of office.

**488.** Persons afflicted with any form of **insanity** may be admitted by the superintendent if he thinks their condition may be improved by the treatment given at the institution.

**489.** Two classes of persons are admitted, (1) those known as **pay-patients**, and (2) those known as "**insane poor**." The latter are supported by the counties sending them, while the charges for the former are paid by private individuals.

**490. The Penitentiary.** This is a prison maintained by the state at Jefferson City for (1) the confinement, (2) the reformation, and (3) the punishment of criminals convicted of the higher crimes. The county jails and city prisons are for the punishment of persons convicted of the smaller offenses. Convicts in the penitentiary are securely confined, employed at hard labor, and governed by very strict and exacting rules of discipline.

**491. The Control and Direction** of the prison is vested in a board of inspectors composed of the state treasurer, state auditor, and attorney-general. The additional officers are the warden, assistant warden, physician, clerk, chaplain, matron, and such turn-keys, guards, and assistants as are necessary. The appointment of a chaplain is with a view to the improvement and reformation of the convicts. He is required to give his entire time to the moral, intellectual, and religious instruction of the prisoners.

**492.** For a number of years the labor of the convicts has been leased to contractors who establish their shops and factories within the walls of the penitentiary. In this way the prison is rendered partially self-sustaining.

**493. Stimulating Questions.** 1. Why should the state provide for higher education?

2. Why should it support normal schools?

3. What good reason can be given for state support to eleemosynary institutions?

4. What additional institutions, if any, does the state need at this time?

5. Should the state exercise a supervising control over institutions not supported by public money?

## CHAPTER XVIII

### MISCELLANEOUS TOPICS

**494.** The topics of this chapter include a few items of general interest not easily classified under former discussions. They are inserted here because of their practical bearing upon the duties and interests of the citizens of the state.

**495. Interest.** Interest rates is a topic which frequently presents itself to legislative bodies for adjustment. There is a close connection, it seems, between the legal rate of interest and the activity of business in its various departments. Persons who borrow money, or those who buy goods or property upon credit, usually pay interest upon the amount of such indebtedness. For a number of years, the rate in Missouri was ten per cent., but at this time eight per cent. is the highest legal rate. The laws provide also that where no rate of interest has been mentioned or stipulated by the parties, that only six per cent. can be collected. The parties to the contract may agree in writing upon any other rate not to exceed eight per cent. per annum. It is illegal to take, either directly or indirectly, so the law says, a higher rate than that above specified; and in case a lender makes a greater charge and attempts to collect it, the defendant can plead usury; in which case the offender forfeits the right to any portion of the interest.

**496. Interest** is allowed on judgments rendered or orders made by any court at the rate called for by the contract upon which the judgment or decree was based. Interest continues until the demand is satisfied by payment.

**497. Marks and Brands.** With owners of live stock, it becomes necessary for them to adopt brands or ear marks in order that they may be able to describe their own property. A few regulations have been incorporated into the law which prevent confusion. It is required that a person who adopts a brand or mark must file a full description of it with the county clerk to be recorded in a book kept for that purpose. A penalty is imposed for using more than one mark or brand and for making use of any other than the one described by the record.

**498.** A similar requirement is made with reference to **brands** of flour, meal, and other articles. Each manufacturer must file with the recorder of deeds a *fac simile* of each brand he intends to use, thus securing the exclusive right to use such brand or brands.

**499. Weights and Measures.** It is necessary also to have some fixed standard of weights and measures, otherwise exchange of articles of trade would involve a large amount of inconvenience and trouble. Congress has the power "to fix the standard of weights and measures," but with the exception of a few matters relating to the coinage of money, very little has been done by that body. The states must fix the standards for all articles of produce. The law of Missouri provides that the clerk of each county must procure, at the expense of the county, of standard size as adopted by the state, a



foot, a yard, and a half-bushel measure; a gallon, a half-gallon, and a quart measure; also a set of avoirdupois weights.

**500.** A half-bushel measure contains one thousand and seventy-five and one-fifth cubic inches.

**501.** A gallon measure contains two hundred and thirty-one cubic inches.

**502.** A quart measure contains fifty-seven and three-fourths cubic inches.

**503.** A ton consists of two thousand pounds, avoirdupois.

**504.** All persons are prohibited, under penalty, from using weights and measures that do not agree in capacity with those deposited in the clerk's office. It is the duty of the clerk to seal with the initials of the county all weights and measures presented for that purpose, provided of course, that they correspond with the county standard.

**505. Table of Measures.** The following table gives the number of pounds to the bushel, as provided by law:

Apples.....48 lbs.	Cotton seed...33 lbs.	Peaches, dried...33 lbs.
Apples, dried...24 "	Cucumbers...48 "	Potatoes, Irish...60 "
Barley.....48 "	Flax seed....56 "	Potatoes, sweet...56 "
Beans, castor...46 "	Hemp seed...44 "	Peas, green and
Beans, green and	Hungarian seed 48 "	unshelled....56 "
unshelled....56 "	Malt.....38 "	Red-top seed...14 "
Blue grass seed..14 "	Millet.....50 "	Rutabagas.....50 "
Bran.....20 "	Oats.....32 "	Rye.....56 "
Buckwheat.....52 "	Osage Oranges'd 36 "	Salt.....50 "
Carrots.....50 "	Onions.....57 "	Split beans....60 "
Clover seed....60 "	Onion sets...28 "	Sorghum seed...42 "
Coal.....80 "	Parsnips....44 "	Timothy seed...45 "
Corn, shelled...56 "	Peaches....48 "	Turnips.....42 "
Corn, in ear....70 "	Peas.....60 "	Tomatoes.....45 "
Cornmeal.....50 "	Pears.....48 "	Wheat.....60 "

**506.** The statutes prescribe also the **methods and the standards** for measuring earthwork, stone masonry, brick work, stone-cutting, plastering, and roofing to be used in case there has been no special agreement between the parties touching a unit of measurement.

**507. Militia.** Congress has the power "to provide for organizing, arming, and disciplining the militia," "reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress." Each state is expected to enlist a militia force and to drill them for field service. This system has been adopted as being safer and more economical than the plan of having a large standing army. In Missouri, all able-bodied male citizens, and all who have declared their intention to become citizens, **between the ages of eighteen and forty-five** are subject to service in the militia of the state.

**508. A volunteer militia** of the state, known as "The National Guard of Missouri," has been organized, the number being limited, in times of peace, to twenty-five hundred, including the state cadets. The governor is the commander-in-chief, and he appoints the staff officers. He has power to call out the militia for the purpose of executing the laws, suppressing insurrections, and repelling invasions; and whenever the national guard is not adequate to these purposes, he may call into service, if need be, all persons subject to military duty.

**509. Public Safety.** Every hotel or lodging-house of over two stories in height, must be provided with a rope or rope-ladder in each room for the escape of lodgers

in case of fire. Such buildings must have two flights of stairs also for the use of guests. Hotels of more than three stories must provide permanent iron balconies, with iron stairways leading from one balcony to another. Hotels of more than fifty rooms must be provided also with watchmen.

**510. Places of Amusement** must be so constructed as to facilitate ingress and egress. The seats must be arranged in rows and the rows must be separated by wide aisles. The doors of egress must open outwardly, and there must be as many of them as can be made, not to weaken the strength of the building. The doors of the audience rooms or halls of school houses and other public buildings; also of factories with more than twenty employees; of theaters, churches, and all other places of public resort, except school houses and churches of one room on the ground floor, must be **hung on double-jointed hinges** so as to open easily both outwardly and inwardly. These are wise provisions, calculated to reduce very much the danger arising from fires and from panics.

**511. Travel.** Public roads in this state must be not less than thirty nor more than sixty feet in width, to be determined by the county court. They must be kept free from all obstructions to travel, so that horsemen and carriages may not be incommoded in any way. It is the duty of the overseer to erect at each cross-roads in his district a finger-board containing an inscription directing the way and noting the distance to the next important place. In the matter of railroad travel every precaution

seems to have been taken to protect the public. The road bed, bridges, coaches, and crossings must all be kept in good and safe condition. The fare for travel is limited by law to three cents per mile on trunk lines and four cents per mile on branch roads. Crossings must be maintained where the railroad crosses any high-way or public street, and the engineer must ring the bell or blow the whistle at such places. Railroad companies are liable for damages for injury to persons or property caused by the negligence of those in their employment.

**512. Adulterations.** The general assembly has passed a few laws looking to the protection of the people against the adulteration of foods and drinks, drugs and medicines. The manufacture of any imitation of butter subjects the offenders to a fine or to imprisonment, unless the substitute is marked with its true name. The adulteration of liquors of any kind by the use of any poisonous ingredients is punishable by imprisonment in the penitentiary. It is also made unlawful for the manufacturers of candies or other sweets to use any substitute for or other than pure vegetable ingredients. Strictures are placed also upon butchers and others who prepare articles of food.

**513. Stimulating Questions.** 1. Why should the state regulate interest rates?

2. Should the government own and operate the railroads?

3. Upon what principle does the state assume to regulate passenger and freight rates?

4. Why should the national government regulate the value of coin?



## CHAPTER XIX

### NATIONAL PROVISIONS OF LOCAL INTEREST

**514.** The constitution and laws of the United States contain a number of provisions which have a local application. Many of them bear upon the relations of citizens, while others involve state relations. Some of these have been discussed in connection with naturalization, citizenship, and duties and rights. Others of equal importance are presented in this chapter.

**515. State and Nation.** In previous chapters we have presented the legislative, executive, and judicial branches of state government. The same well-defined divisions or branches of government are found also in the national system.

**516. Congress.** The legislative power is vested in congress which is composed of two houses, the house of representatives and the senate. The members of the former are called representatives while the members of the latter are called senators. Congress meets annually in Washington City on the first Monday in December.

**517. Representatives.** Representatives are apportioned among the states according to population. They are elected by a direct vote of the people for a term of two years.

**518. The Basis.** The basis of representation is deter-

mined by congress. A new apportionment is made every ten years in order to adjust the representation to the number of people as determined by the last census. The present basis (from 1890 to 1900) is one representative for every 173,901 persons, giving 356 as the whole number of members in the house. Upon this basis, Missouri is allowed fifteen representatives. The following map shows the counties belonging to the different congressional districts in the state. It must be noted here that the tenth district includes also a small portion of St. Louis, while the eleventh and twelfth districts lie entirely within that city.

### 519. Congressional districts.



**520. Qualifications.** Each voter casts his ballot for but one candidate who must be at least twenty-five years of age, seven years a citizen of the United States, and an inhabitant of the state from which he is elected.

**521. Senators.** Each state is entitled to two senators. A senator must be at least thirty years of age, nine years a citizen of the United States, and an inhabitant of the state from which he is chosen. It will be seen that higher qualifications are prescribed for senators than for representatives, because it is thought that in certain respects their responsibilities are greater.

**522. By Whom Elected.** Senators are elected by the general assembly of the state for a term of six years. Latterly there have been those who have advocated the election of United States senators by popular vote.

**523. Process of Election.** In order that there may be uniformity, congress prescribes the method by which senators are elected. By the law of 1883, the following plan must be carried out in the election:

1. On the second Tuesday after meeting and organization each house, by a *viva voce* vote of each member present, names a person for senator.

2. At twelve o'clock on the following day, the two houses meet in joint assembly, and if the same person has received a majority of all the votes cast in each house, he is declared duly elected.

3. If no person has received a majority of the votes of each house, then the joint assembly votes for senator. The person who receives a majority of all the votes of the *joint* assembly, a majority of all the members elected being present and voting, shall be declared elected.

4. If no person receives such majority of the joint assembly on the first day, the two houses shall meet in joint session at twelve o'clock on each succeeding day and take at least one vote until a senator is elected.

5. If a vacancy exists in the office of senator on the assembling of the legislature, the proceedings shall be the same as above outlined.

6. If a vacancy occurs during the session of the legislature, then similar proceedings shall be had on the second Tuesday after receiving notice of the vacancy.

7. If a vacancy occurs during the recess of the legislature, the governor appoints a person who serves until the meeting of the legislature.

The governor of the state issues a certificate of election to the senator, the secretary of state countersigning it.

**524. Executive Department.** The executive power is vested in the president of the United States. It is his duty to see that the laws are faithfully executed. To this end he is charged with the appointment of a large number of subordinates who are entrusted with the transaction of the business of the various divisions and departments.

**525. Qualifications.** The president must be a natural-born citizen; must have attained to the age of thirty-five years, and he must have resided within the United States for fourteen years. The vice-president must possess the same qualifications.

**526. Electors.** The people do not vote for president and vice-president of the United States by direct method, but they select electors who cast the vote of the people for these officers.



**527. Ineligibility.** Neither senators, representatives, nor persons holding any office of profit or trust under the United States, can be electors of president and vice-president.

**528. Number.** A state is entitled to as many electors as it has senators and representatives. Missouri, at this time (1895), is entitled to seventeen electors, being one from each congressional district and two from the state at large.

**529. How Elected.** At this time all the states choose their presidential electors by a direct vote of the people. In a very few states they are elected by districts, but in most of the states each voter includes the entire list on his ticket. In Missouri a voter may cast his ballot for seventeen electors.

**530. Proceedings of Electors.** All electors are now required to meet on the same day throughout the United States,—the **second Monday in January** following their election. In Missouri they assemble at Jefferson City. They vote for president and vice-president on separate and distinct ballots. Three lists of the votes are made, signed, and certified by the electors, of all persons voted for as president and of all persons voted for as vice-president, giving also the number of votes cast for each. These lists are sealed and directed to the president of the senate, one being sent to him by mail, one being delivered by a special messenger and one being delivered to the judge of the United States district in which the electors meet.

**531. Counting the Votes.** On the **second Wednesday** in February, the senate and the house of representa-

tives meet in joint session, and the president of the senate opens the certificates in the presence of the two houses, and the votes are counted by tellers.

**532. National Judiciary.** A national judiciary has been established for the purpose of deciding such questions as do not fall within the jurisdiction of state courts. Violations of the national constitution or statutes must be adjudicated by the national courts.

**533. Classes of Courts.** There are five classes of national courts, viz.: the supreme court, the circuit courts, the district courts, the supreme court of the District of Columbia, and the court of claims. The supreme court, composed of one chief justice and eight associate justices, holds annual sessions at Washington City. The circuit courts rank next below the supreme court. The country is divided into nine circuits to each of which one member of the supreme court is assigned. One or more special circuit judges are also appointed for each circuit. Next below these are the district courts, there being about sixty in all. For each of these a district judge is appointed. The judges of the above courts are appointed by the president by and with the consent of the senate. They are appointed for life or during good behavior. The court of claims considers claims against the general government.

**534. Jurisdiction.** The supreme court has original jurisdiction "in all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party." It has appellate jurisdiction in the following cases:

1. In all cases of admiralty and maritime jurisdiction.
2. In cases in which the United States shall be a party.

3. In controversies between citizens of different states.
4. Between citizens of the same state claiming lands under grants of different states.

Congress determines whether the circuit or the district courts shall have original jurisdiction in the above cases, but as that body has never made a complete classification for all cases that might arise, it is impossible to give, in a short space, a general statement of the jurisdiction of the inferior courts.

**535. Patents.** Under the laws of congress patents are granted to inventors of new and useful machines, instruments, etc. which secure a monopoly of their manufacture and sale for a term of seventeen years. The total cost is thirty-five dollars, fifteen of which is paid at the time of making the application, and the balance when the letters-patent are issued.

**536. Copyright.** Copyrights on books, pictures, musical compositions, etc., may also be secured by authors. A copyright extends for twenty-eight years, which term may be extended fourteen years. The total cost is one dollar.

**537. Postal Matters.** The entire postal system of the country, including the transmission of mails, the establishment of post-roads, the appointment of post-masters, the regulation of postal rates, etc., is under the control of the national government. The postmaster-general and his assistants are in immediate charge. Post-masters whose salaries are less than one thousand dollars are appointed by the postmaster-general, while all others are appointed by the president by and with the consent of the senate.

**538. Mail Matter and Postage.** Domestic mail matter is divided into four classes:

**539. First Class,**—Letters, postal cards, and matter wholly or partly in writing, sealed or unsealed, and all matter closed against inspection. The postage is two cents per ounce or fraction thereof. Postal cards are one cent each. “Drop” letters are one cent per ounce or fraction thereof, except at letter-carrier offices where the postage is two cents.

**540. Second Class,**—Newspapers and publications issued at stated intervals as often as four times a year, excluding those not having a legitimate list of subscribers and those designed primarily for advertising purposes. When sent by the publisher or news agent to actual subscribers, the postage is one cent per pound. All such periodicals are sent free to subscribers within the county. When sent by other than a publisher or news agent, the postage is one cent for each four ounces or fraction thereof.

**541. Third Class,**—Books, periodicals, and matter wholly in print (not included in second class), proof-sheets, corrected proof-sheets, and manuscript copy accompanying the same. Postage, one cent for each two ounces or fraction thereof.

**542. Fourth Class,**—Merchandise, including all mailable matter not included under the other classes. Postage, one cent per ounce or fraction thereof, except seeds, cuttings, roots, scions, and plants, which are one cent for each two ounces or fraction thereof.

A package must not exceed **four pounds**, unless it be a single book, or second-class matter mailed at the pound rate.



**543. Money-Order** and registration systems are also conducted by the postal department, the fee for registration being ten cents, and the fee for a money-order being from three cents upward.

**544. State Amity.** Constitution: "Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." This means that the legislative acts, the decisions of courts, etc., of one state must be taken as final in every other state. Whatever credit is given to them in one state must be given to them in other states. They are not subject to re-examination. A person acquitted of the charge of a certain crime in one state cannot be re-examined on the same charge in another. Congress has enacted that the acts of the legislature of a state should be authenticated by its seal; that the records of a court should be proved by the attestation of the clerk and the seal of the court (if there be one), with the certificate of the judge.

**545. State Prohibitions.** The national constitution enumerates a few things which the states are forbidden to do, and it is well to direct attention to these in this connection:

1. They cannot make treaties, or form alliances.
2. They cannot coin money, emit bills of credit, make anything but gold and silver a tender in the payment of debts, or pass any law impairing the obligation of contracts.
3. They cannot grant letters of marque and reprisal, keep troops in time of peace without the consent of congress, nor engage in war unless actually invaded or the danger is so imminent as not to admit of delay.

4. They cannot grant titles of nobility, collect duties on imports and exports, or on tonnage, without the consent of congress.

**546. Rights of States.** A new state cannot be formed within the jurisdiction of another, nor by the junction of two or more states without the consent of the legislatures concerned. Each state may demand protection against invasion and against domestic violence.

"The powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people."

**547. Requisitions.** A person fleeing from justice from one state to another may, on the demand of the governor, be delivered to the state having jurisdiction of the crime. The demand must be made on the governor of the state to which the fugitive has fled. The demand should be accompanied by a copy of the indictment, or an affidavit made before a magistrate charging the fugitive with having committed the crime, and certified as authentic by the governor making the demand. It then becomes the duty of the governor upon whom the demand is made to order the arrest of the criminal and to turn him over to the agent of the state making the demand.

**548. Stimulating Questions.** 1. Should the president be elected by a direct vote of the people?

2. Should electors be voted for by districts?

3. Should United States senators be elected by a direct vote of the people?

4. Why limit copyrights and patents?

5. Where are the United States district courts held in Missouri? Who are the judges at this time?

## CHAPTER XX

### CONSTITUTION OF THE UNITED STATES

**549. Ratification.** On June 21st, 1788, New Hampshire, the ninth state, ratified the constitution and on the 2d of July notified the continental congress of the fact. The matter was referred to a committee, who reported on the 14th of July, 1788, and on the 13th of September congress named the first Wednesday in January, 1789, as the day for appointing electors, and the first Wednesday in February as the time for them to meet to cast their ballots for president and vice-president. The first Wednesday in March was named as the time at which the new congress should meet in New York to put the constitution into operation. The first congress met on the 4th of March, 1789, and there being no quorum present in either house, each adjourned from day to day. A quorum appeared in the House on April 1st, and an organization of that body was effected. On the 6th of April a quorum was present in the senate, and they organized by electing John Langdon, of New Hampshire, president. On April 6th, 1789, the two houses met in the senate chamber to witness the counting of the ballots by the president of the senate, when it was found that George Washington was elected president, and John Adams, vice-president. Mr. Adams appeared in the senate April 21st and took the chair. Washington took the oath of office at New York on the 30th of April, 1789.

**550. Preamble.** We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I. LEGISLATIVE DEPARTMENT.

**551. Legislative Powers.** §1.—All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

HOUSE OF REPRESENTATIVES—§ 2.

**552. How Composed.** The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

**553. Qualifications.** No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

**554. How Apportioned.** Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a number of years, and excluding Indians not taxed, three-fifths of all other persons. The



actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

**555. Vacancies.** When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

**556. Powers.** The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SENATE. § 3.

**557. How Composed.** The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof for six years; and each senator shall have one vote.

**558. Classes.** Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one

third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

**559. Qualifications.** No person shall be a senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

**560. Presiding Officer.** The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

**561. Other Officers.** The senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice-president, or when he shall exercise the office of president of the United States.

**562. Impeachment.** The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

**563. Penalty.** Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

BOTH HOUSES. §4.

**564. Election of Members.** The times, places, and

manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

**565. Time of Meeting.** The congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

PROVISIONS COMMON TO BOTH HOUSES. § 5

**566. Membership, Quorum.** Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

**567. Rules.** Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

**568. Proceedings.** Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

**569. Adjournment.** Neither house during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

## DISABILITIES OF MEMBERS. § 6.

**570. Compensation.** The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

**571. Prohibitions.** No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

## LAW MAKING. § 7.

**572. Revenue.** All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

**573. President's Veto.** Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States: if he approve, he shall sign it; but, if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds



of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered ; and, if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays ; and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return ; in which case it shall not be a law.

**574. Approval of President.** Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the senate and the house of representatives, according to the rules and limitations prescribed in the case of a bill.

POWERS OF CONGRESS. § 8.

The congress shall have power—

**575. Taxes.** To lay and collect taxes, duties, imposts, and excises. to pay the debts, and provide for the common defense and the general welfare of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States ;

**576. Bonds.** To borrow money on the credit of the United States ;

**577. Commerce.** To regulate commerce with foreign nations and among the several states, and with the Indian tribes ;

**578. Naturalization. Bankruptcies.** To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States ;

**579. Money.** To coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights and measures ;

**580. Counterfeiting.** To provide for the punishment of counterfeiting the securities and current coin of the United States ;

**581. Post Office.** To establish post-offices and post-roads ;

**582. Patents. Copyrights.** To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries ;

**583. Courts.** To constitute tribunals inferior to the supreme court ;

**584. Marine Offenses.** To define and punish piracies and felonies committed on the high seas and offenses against the law of nations ;

**585. Declare War.** To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water ;

**586. Raise Armies.** To raise and support armies , but no appropriation of money to that use shall be for a longer term than two years ;

**587. Navy.** To provide and maintain a navy ;

**588. Military Laws.** To make rules for the government and regulation of the land and naval forces ;

**589. Call out Militia.** To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions ;

**590. Organize Militia.** To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress ;

**591. Govern D. C.** To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ;

**592. Executive Laws.** And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

PROHIBITIONS ON THE UNITED STATES § 9.

**593. Slave Trade.** The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the congress prior to the year one thousand eight hundred

and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

**594. Habeas Corpus.** The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

**595. Ex Post Facto Law.** No bill of attainder or *ex post facto* law shall be passed.

**596. Direct Taxation.** No capitation or other direct tax shall be laid, unless in proportion to the *census* or enumeration hereinbefore directed to be taken.

**597. Exports.** No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

**598. Public Money.** No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

**599. Nobility.** No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

#### PROHIBITIONS ON THE STATES. § 10.

**600. Absolute Prohibition.** No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit;



make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

**601. Not Without Consent.** No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty on tonnage, keep troops or ships-of-war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

#### ARTICLE II. EXECUTIVE DEPARTMENT.

##### PRESIDENT AND VICE-PRESIDENT. § 1.

**602. Term.** The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president chosen for the same term, be elected as follows:

**603. Electors.** Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

**604. Proceedings of Electors.** The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.

[ This section has been modified by the Twelfth Amendment, page 214.]

**605. Choosing Electors.** The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

**606. Eligibility.** No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

**607. Successor to President.** In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed, or a president shall be elected.

[Congress has vested the succession to the presidency in the members of the cabinet in the following order: secretary of state, secretary of the treasury, secretary of war, attorney-general, postmaster-general, secretary of the navy, secretary of the interior, secretary of agriculture.]

**608. Compensation.** The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive

within that period any other emolument from the United States or any of them.

**609. Oath.** Before he enters on the execution of his office he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability preserve, protect, and defend the constitution of the United States.”

POWERS OF THE PRESIDENT. § 2.

**610. Military.** The president shall be commander-in-chief of the army and navy of the United States and of the militia of the several states when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

**611. Appointive.** He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur ; and he shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law ; but the congress may by law vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

**612. Vacancies.** The president shall have power to



fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

**613. Duties of the President.** § 3. He shall from time to time give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

**614. Impeachment.** § 4. The president, vice-president, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III. JUDICIAL DEPARTMENT

**615. National Courts.** § 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

**616. Jurisdiction.** § 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties

made, or which shall be made, under their authority ; to all cases affecting ambassadors, other public ministers, and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states ; between a state and citizens of another state ; between citizens of different states ; between citizens of the same state claiming lands under grants of different states and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

**617. Original Jurisdiction.** In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

**618. Jury Trial.** The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the state where the said crimes shall have been committed ; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

**619. Treason.** § 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**620. Punishment.** The congress shall have power

to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

**621. State Amity and Credit.** § 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

**622. Personal Rights.** § 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

**623. Fugitives from Justice.** A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

**624. Fugitives from Labor.** No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

RIGHTS OF STATES. § 3.

**625. New States.** New states may be admitted by the congress into this union ; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of

the legislatures of the states concerned as well as of the congress.

**626. Territory.** The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States ; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

**627. Republican Government Guaranteed. § 4.** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

#### ARTICLE V. AMENDMENT TO THE CONSTITUTION.

**628. How Made.** The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no state, without its consent, shall be deprived of its *equal suffrage* in the senate.



## ARTICLE VI. MISCELLANEOUS.

**629. Validity of Debts.** All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

**630. Supreme Law.** This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

**631. Oath.** The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII. RATIFICATION.

**632. Ratification.** The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

## AMENDMENTS TO THE CONSTITUTION.

Ten Articles, called the Bill of Rights, adopted Dec. 15, 1791.

## ARTICLE I.

**633. Religious Freedom.** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peace-

ably to assemble, and to petition the government for a redress of grievances.

#### ARTICLE II.

**634. Right to Bear Arms.** A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

#### ARTICLE III.

**635. Domicile.** No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

#### ARTICLE IV.

**636. Personal Security.** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

#### ARTICLE V.

**637. Trial for Crime.** No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, *without* due process of law; nor shall private property be *taken for* public use without just compensation.

## ARTICLE VI.

**638. Rights of Accused Persons.** In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

## ARTICLE VII.

**639. Suits at Common Law.** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## ARTICLE VIII.

**640. Bail and Fines.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

**641. Rights Retained.** The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

**642. Rights Reserved.** The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

ELEVENTH AMENDMENT, ADOPTED JAN. 8, 1798.

ARTICLE XI

**643. Judicial Power Construed.** The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

TWELFTH AMENDMENT, ADOPTED IN 1804.

ARTICLE XII.

**644. Election of President and Vice-President.** The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president and of all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in



choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

**645. Choosing the Vice-President.** The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

**646. Ineligibility.** But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

THIRTEENTH AMENDMENT, ADOPTED DEC. 18, 1865.

ARTICLE XIII.

**647. Slavery Abolished.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

**648. Executive Laws.** Congress shall have power to enforce this article by appropriate legislation.

FOURTEENTH AMENDMENT, ADOPTED JULY 28, 1868.

ARTICLE XIV. CITIZENSHIP.

**649. Citizens.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**650. Disfranchisement.** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

**651. Disloyalty.** No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under *the United States* or under any state, who, having

previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

**652. Public Debt.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

**653. Executive Laws.** The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

FIFTEENTH AMENDMENT, ADOPTED MARCH 30, 1870.

ARTICLE XV.

**654. Suffrage.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

**655. Executive Laws.** The congress shall have power to enforce this article by appropriate legislation.

## ANALYTICAL REVIEWS.

(The following topics may be used as the corresponding chapters are completed, or they may serve to guide in a review of the entire work.)

**Historical.**

- I. Explorers.
  - 1. De Soto. 2. Joliet.
  - 3. Marquette.
- II. Permanent Settlements.
  - 1. Ste. Genevieve.
  - 2. St. Charles. 3. St. Louis.
  - 4. The Spanish.
  - 5. The French.
- III. Missouri as a Territory.
- IV. Admission.
  - 1. Missouri Compromise.
  - 2. Population.
  - 3. First Officers.
- V. The Civil War.
  - 1. Secession Question.
  - 2. Battles.
  - 3. Constitution.
  - 4. Results.

**Nature of Government.**

- I. Characteristics.
  - 1. State Government.
  - 2. National System.
- II. Objects of Government.
- III. Constitutions.
  - 1. How Made.
  - 2. How Adopted.
  - 3. How Amended.

**The Family.**

- I. Importance and Influence.
- II. Members.
  - 1. Relations.
  - 2. Duties. 3. Rights.
- III. Lessons Taught.
  - 1. Industry. [ity.
  - 2. Submission to Authority.
  - 3. Duties of Citizenship.

**The School.**

- I. Purposes.
- II. School Districts.
- III. Powers of the People.
- IV. Directors.
  - 1. Qualifications.
  - 2. Duties and Powers.

- 3. Term of Office.
- V. School Funds.
  - 1. State. 2. County.
  - 3. Township. 4. Special.
  - 5. Local Tax. [ation.
  - 6. Legislative Appropriation.
  - 7. Apportionment.
- VI. The Teacher.
  - 1. Qualifications.
  - 2. Training.
  - 3. License.

**VII. Text-Books,****The Municipal Township.**

- I. Purposes.
- II. Officers.
  - 1. Qualifications.
  - 2. Election.
  - 3. Powers and Duties.
  - 4. Compensation.
- III. Citizens.
  - 1. Rights. 2. Duties.
- IV. Township Organization.
  - 1. Advantages.
  - 2. Disadvantages.
  - 3. Officers.

**The County.**

- I. Relation to the State.
- II. Officers.
  - 1. Names.
  - 2. Qualifications.
  - 3. Election.
  - 4. Powers and Duties.
  - 5. Terms. 6. Bond.
  - 7. Compensation.

**The Congressional Township.**

- I. Purpose.
- II. Land Surveys.
  - 1. Standard Lines.
    - (1) Base Lines.
    - (2) Meridians.
  - 2. Townships.
  - 3. Sections.
  - 4. Corners.
- III. Conveying Land.



**Cities and Villages.**

- I. Incorporation.
- II. Classes. [Class.
  - 1. First Class. 2. Second
  - 3. Third Class.
  - 4. Fourth Class.
- III. Executive Officers.
  - 1. Appointive.
  - 2. Election.
  - 3. Qualifications.
  - 4. Powers and Duties.
- IV. Legislative Branch.
  - 1. How Composed.
  - 2. Qualifications of Members.
  - 3. Powers.
- V. Judicial Branch.
  - 1. Where Vested.
  - 2. Jurisdiction.
- VI. Revenue and Taxation.
- VII. Villages.
  - 1. Incorporation.
  - 2. Board of Control.
  - 3. Qualifications of Trustees.
  - 4. Powers.

**The General Assembly.**

- I. Two Houses.
- II. Sessions.
- III. Powers of Each House.
- IV. Legislative Proceedings.
  - 1. Law-Making.
  - 2. Governor's Veto.
  - 3. Limitations.
  - 4. Prohibitions. [tives.
- V. House of Representatives.
  - 1. How composed.
  - 2. Qualifications.
  - 3. Election.
  - 4. Term of Office.
- VI. The Senate.
  - 1. How Composed.
  - 2. Qualifications.
  - 3. Apportionment.
  - 4. Election.
  - 5. Term of Office.

**Executive Branch.**

- I. Officers. II. Election.
- III. Term. IV. Qualifications.
  - 1. Of Governor

- 2. Of other Officers.

**V. Powers and Duties.**

- 1. Of the Governor.
- 2. Of each of the other State Officers.

**VI. Appointive Officers.**

- 1. Names. 2. Duties.

**VII. State Boards.**

- 1. Names. 2. Duties.

**VIII. Salaries.****Judicial Branch.**

- I. Power where Vested.
- II. Prohibition on Judges.
- III. Classes of Courts.
  - 1. Circuit Courts.
    - (1) Number. [Judges.
    - (2) Qualifications of
    - (3) Election of Judges.
    - (4) Jurisdiction.
  - 2. Common Pleas C'trs.
    - (1) Louisiana.
    - (2) Hannibal.
    - (3) Cape Girardeau.
    - (4) Sturgeon.
    - (5) Judge of each.
  - 3. Criminal Courts.
    - (1) Fifteenth Judicial Circuit.
    - (2) Jackson County.
    - (3) Buchanan County.
    - (4) Greene County.
    - (5) St. Louis County.
    - (6) The Judge of Each.
  - 4. Courts of Appeals.
    - (1) St. Louis.
    - (2) Kansas City.
    - (3) Judges of Each.
    - (4) Jurisdiction.
  - 5. The Supreme Court.
    - (1) Qualifications of Judges.
    - (2) Jurisdiction.
    - (3) Compensation.

**Rights and Duties.**

- I. Principles of Governm't.
- II. Rights of the State.
- III. Personal Rights.
- IV. Prohibitions.
- V. Rights of the Accused.
- VI. Duties of Citizens.

**Citizenship and Suffrage.**

- I. Who Are Citizens.
- II. Naturalization.
  1. Steps in the Process.
  2. Certificate.
  3. Rights Conferred.
- III. By Whom Admitted.
- IV. Suffrage. [Right.
  1. Who Confers the
  2. States Decide.
  3. Voters' Duties and Responsibilities

**Elections in Missouri.**

- I. Time. II. Place.
- III. Voters' Qualifications
- IV. Disqualified to Vote.
- V. Election Proceedings.
- VI. Australian System.
  1. Its General Plan.
  2. Its Advantages.

**Party Management.**

- I. Committees.
  1. National. 2. State.
  3. County.
- II. Conventions.
  1. National. 2. State.
  3. County. 4. Township.
  5. The Caucus.
- III. The Primary Election.

**Revenue and Taxation.**

- I. Principles.
- II. Kinds of Taxes.
  1. Direct.
    - (1) Property. (2) Poll.
  2. Indirect.
    - (1) Internal Revenue.
    - (2) Customs.
- III. State Taxation.
  1. Sources of Revenues.
  2. Exemptions.
  3. Assessment.
  4. Equalization.
  5. Rates.
    - (1) For State Purposes
    - (2) For County "
    - (3) For City "
    - (4) For School "
  6. Collection of Taxes.

**State Institutions.**

- I. Educational.

1. University.
2. Normal Schools.
  - (1) First District.
  - (2) Second District.
  - (3) Third District.
  - (4) Lincoln Institute.
3. The Management.
- II. Eleemosynary.
  1. Deaf and Dumb
  2. Blind Institute.
  3. Reform Schools.
    - (1) For Boys.
    - (2) Home for Girls.
  4. Asylums for Insane.
  5. The Management
- III. The Penitentiary.

**Miscellaneous Local Matters.**

- I. Interest Rates.
- II. Marks and Brands.
- III. Weights and Measures.
- IV. Militia. V. Public Safety.
- VI. Travel. VII. Adult'rations.

**National Provisions.**

- I. Legislative Branch.
  1. How Composed.
  2. Qualifications of Senators and Representatives. [tion.
  3. Basis of Representation.
  4. Term of Each. [tricts.
  5. Congressional Dis-
  6. Method of Electing Senators and Representatives.
- II. Executive.
  1. Power where Vested.
  2. Qualifications.
  3. Election.
  4. Powers and Duties.
  5. Term of Office.
- III. Judiciary.
  1. Power where Vested.
  2. Classes of Courts.
  3. Jurisdiction.
- IV. Public Welfare.
  1. Patents. 2. Copyright.
  3. The Postal Service.
  4. State Relations.
  - V. State Prohibitions.
  - VI. Rights of States.

# INDEX.

THE NUMBERS REFER TO PARAGRAPHS.

## A.

Adjutant-general, 298, 301.  
 Admission of Missouri, 14, 15, 17.  
 Administration, 156.  
 Administration of law, 87.  
 Adulterations, 612.  
 Advertisers, 1.  
 Aldermen, powers of, 199.  
     qualifications of, 198.  
 Amity, state, 544.  
 Apportionment of senators, 261.  
     of school money, 73.  
 Appropriations, 277.  
     for schools, 72.  
 Arson, 334.  
 Assessment, 460.  
 Assessor, 135.  
 Asylum, 486-489.  
 Attorney-general, 295.  
 Attorney, county, 143.  
     compensation of, 146.  
     duties of, 145.  
     qualifications of, 144.  
 Auditor, 293.  
 Australian, ballot system, 413-423.  
     advantages of, 414.  
     candidates, 415, 416, 424-426.  
     form of ballot, 418, 430.  
     method of, 420.

## B.

Base lines, 171.  
 Battles, 23.  
 Bill of rights, 375.  
 Bills, 260, 270.  
 Board of equalization, county, 136.  
 Boards, state, 300-318.  
     agriculture, 314.  
     education, 313.  
     equalization, 311.  
     fish commission, 316.  
     geology, 315.  
     health, 317.  
     immigration, 318.  
     penitentiary inspectors, 310.  
     printing, 312.  
 Blind school, 482.  
 Bond, 117.  
 Boy's reform school, 483.  
 Branches of government, 237.

## C.

Canvass, the, 445.  
 Caucus, the, 444.  
 Census, 13, 16.  
 Church and state, 379.  
 Circuit clerk, 129.  
     duties of, 130.  
 Circuit courts, 341.  
     circuits, 341, 344.  
     judges of, 342.  
     jurisdiction of, 345.  
     qualifications of judges, 343.  
 Cities, classes of, 185, 186.  
     first, 187, 196.  
     fourth, 216, 223.  
     second, 197, 206.  
     third, 207, 215.  
 City, the, 177.  
     appointive officers of, 191, 201,  
     217.  
     elections, 187, 216, 217, 227.  
     elective officers, 190, 200, 208,  
     217.  
     finances, 182.  
     incorporation of, 178, 179, 225.  
     lessons of, 183.  
     officers, 180.  
     problems of, 184.  
     qualifications of officers, 192,  
     202, 219.  
     revenue, 205, 214, 221, 231.  
     wards, 181, 218.  
 Citizenship, 383, 396.  
 Civil war, 21-25.  
 Collector, 137, 138, 139.  
 Commissioner of permanent seat of  
     government, 298, 308.  
 Committees, political, 435, 438.  
     national, 435.  
     state, 436.  
 Common council, 197.  
 Common pleas courts, 350-354.  
     Cape Girardeau, 353.  
     Hannibal, 352.  
     Louisiana, 357.  
     Sturgeon, 354.  
 Commutations, 287.  
 Congress, 516.  
 Congressional township, 160, 161, 166.  
     map of, 172, 173, 174.  
 Constable, 94.

Constable, bond, 85.  
 Constitutional convention, 22.  
 Constitutions, 23, 28, 36-40.  
 Conventions, 439-441.  
     national, 441.  
     state, 440.  
 Conveyances, 175.  
 Corners, 162, 169.  
 Coroner, 157.  
 Corrupt practices act, 424-427.  
 Council, 200, 226.  
     powers of, 212, 220.  
 Counting votes for president, 351.  
 County court, 122.  
     powers and duties of, 124.  
     qualifications of judges, 123.  
     terms of, 125.  
 County clerk, 126.  
     duties of, 128.  
     qualifications of, 127.  
 County supervision, 155.  
 County, the, 118.  
     board of equalization, 136.  
     compensation of officers, 120.  
     election, 116.  
     government, 113, 114, 158.  
     relation to state, 113, 114.  
     seat, 115.  
 Courts, 322.  
     circuit, 341.  
     classes of, 341.  
     common pleas, 350.  
     criminal, 355.  
     judges of, 327, 328.  
     jurisdiction of, 330.  
     need for, 321, 323.  
     of record, 324, 325.  
     of appeals, 361.  
     powers of, 326.  
     supreme, 368.  
 Courts of appeals, 361-367.  
     districts, 362.  
     judges of, 363.  
     jurisdiction, 364.  
     opinions, 366.  
     salaries, 367.  
     terms of, 365.  
 Criminal courts, 355-360.  
     Buchanan county, 358.  
     fifteenth circuit, 356.  
     Greene county, 359.  
     St. Louis, 360.  
 Customs, 452.

**D.**

Deaf and dumb institute, 481.  
 De Soto, 2.  
 Duties of citizens, 85, 381, 389, 453.

**E.**

Election of state officers, 283.  
 Elections, 399.  
     ballot, 418, 419, 430.  
     ballot boxes, 408.  
     booths, 417.  
     expenses of, 422.  
     judges of, 406.

may vote at, 402.  
 may not vote at, 405.  
 place of, 401.  
 polls, 407.  
 poll-books, 408.  
 returns, 410, 411.  
 time of, 400.  
 Eleemosynary institutions, 478-489.  
 Emergency clause, 276.  
 Equalization, 461.  
 Executive, national, 524.  
 Executive officers, 282.

**F.**

Family, the, 44-55.  
     duties of, 48.  
     influence of, 45, 50.  
     importance of, 44.  
     lessons of, 51-55.  
     parent, 49.  
     purposes, 46.  
     rights of members, 47.  
 Felony, 333.  
 Fifteenth amendment, 398.  
 First newspaper, 14.  
 Fourteenth amendment, 392, 396.  
 France, 4, 5, 8, 9, 12.  
 Freedom of speech, 379.

**G.**

General assembly, the, 240, 268.  
     adjournment of, 351.  
     compensation of, 247.  
     designation of, 243.  
     length of session, 242.  
     meeting of, 241, 267.  
     members of, 244, 245.  
     prohibitions on, 278.  
     quorum, 249.  
     vacancies, 250.  
 Geologist, 298, 307.  
 Girls' industrial school, 485.  
 Governor, 284.  
     approval of bills, 272, 274, 275.  
     powers and duties of, 287.  
     qualifications of, 286.  
     title, 285.  
     veto, 273, 280.  
 Governor Jackson, 22.  
 Government, nature of, 32-34, 236, 282.  
     necessity for, 81.  
     objects of, 85.  
 Grain inspection, 298, 303.  
 Grand jury, 347.

**H.**

House of representatives, 252.  
     districts, 254.  
     offices of, 256.

**I.**

Indians, 5, 7, 12.  
 Indictment, 347.  
 Information, 348.  
 Interest, 495.  
 Internal revenue, 453.



**J.**

Jackson, Governor, 22.  
 Jefferson City, 20.  
 Joliet, 3, 4.  
 Justices of the peace, 88, 92, 93.

**K.**

Kansas City, 196.  
 Kinds of taxes, 451.

**L.**

Labor Commissioner, 298, 302.  
 Laclede, 7.  
 Law-making power, 238, 240, 268.  
 Laws, 86.  
 Land surveys, 8, 163, 164, 168.  
 Lead, 5.  
 Legal terms defined, 320-335.  
 Librarian, 298, 306.  
 Lieutenant-governor, 288.  
     powers and duties, 280.  
     qualifications of, 286, 288.  
 Lines, 168, 170, 171.  
 Louisiana, 4, 9, 10, 14.  
 Louisiana purchase, 10, 11.

**M.**

Mail matter, 538, 542.  
 Marks and brands, 297.  
 Marquette, 3, 4.  
 Mayor, duties of, 211, 212, 222.  
     qualifications of, 210.  
 Measures, table of, 505.  
 Meridians, 170.  
 Militia, 287, 507.  
 Misdemeanor, 335.  
 Missouri, 1, 2, 3, 5, 12, 16, 19, 29.  
     admission of, 14, 15, 17.  
     compromise, 15.  
     constitutional convention, 22.  
     first officers of, 18.  
     resources of, 26, 27.  
 Missouri territory, 14, 15.  
 Money-order system, 543.

**N.**

Napoleon, 9, 10.  
 National authority, 33, 42, 266.  
 National guard, the, 508.  
 Naturalization, 384-387.  
     certificate of, 385.  
     exceptions, 386.  
 Nature of our government, 32-34, 236, 382.  
 Necessity for revenue, 449.  
 Necessity for government, 31.  
 New Madrid, 2, 13.  
 Normal schools, 473-477.

**O.**

Oath of office, 245.  
 Objects of government, 35.  
 Official bond, 117.  
 Oil inspector, 298, 305.

**P.**

Pardons, 287.  
 Parties, political, 431.  
     necessity for, 432, 433.  
     organization of, 434.  
 Party fealty, 446.  
 Penitentiary, the, 490.  
 Personal rights, 378.  
 Petit jury, 349.  
 Places of amusement, 510.  
 Platte Purchase, 17.  
 Police board, 203.  
 Politician and statesman, 447.  
 Postage, 538-543.  
 Powers of each house, 246.  
 President, 524.  
     counting votes for, 531.  
     electors of, 526-530.  
     number of electors, 528.  
     proceedings of electors, 530.  
     qualifications of, 525.  
 Primary elections, 442.  
 Principles of government, 376.  
 Principles of taxation, 450.  
 Probate judge, 149.  
     duties of, 150.  
 Public administrator, 156.  
 Public safety, 506.

**Q.**

Qualifications of state officers, 290, 291

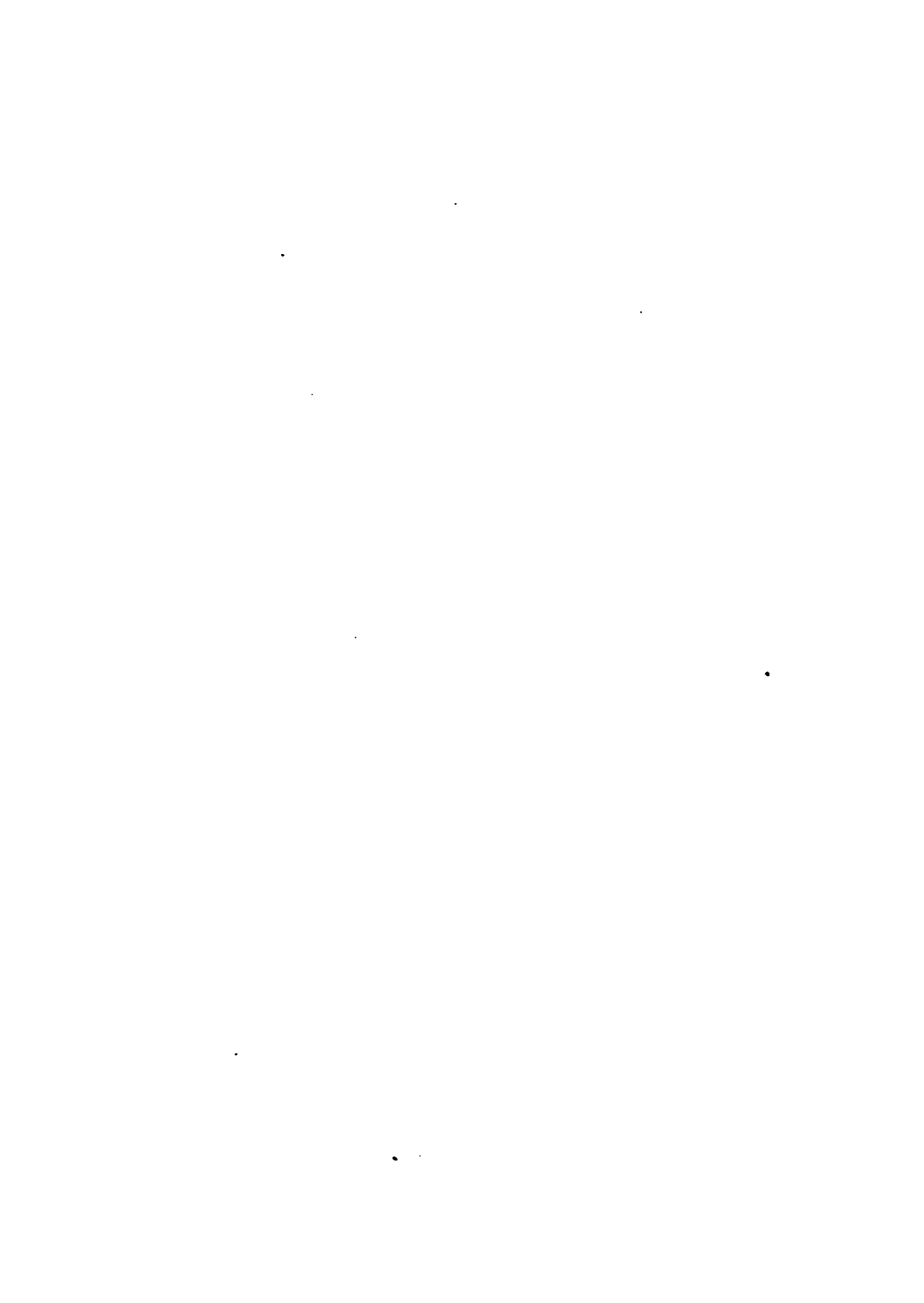
**R.**

Railroads, 20.  
 Railroad commissioners, 297.  
 Ratification of constitution, 549.  
 Recorder, 131.  
     duties of, 132.  
 Recorder of voters, 191, 423.  
 Representatives, national, 516.  
     basis of, 518.  
     districts, 519.  
     number of, 516.  
     qualifications of, 520.  
 Representatives, state, 252.  
     election of, 252, 257.  
     number of, 252.  
     qualifications of, 253.  
     term of, 255.  
 Reprieves, 287.  
 Requisitions, 547.  
 Residence explained, 404.  
 Resources of Missouri, 26, 27.  
 Revenue, purposes of, 457.  
     sources of, 458.  
     state, 455, 456.  
     uniformity of, 454.  
 Rights, of citizens, 84, 375, 388.  
     of states, 377, 546.

**S.**

St. Charles, 6, 13, 20.  
 St. Joseph, 206.  
 St. Louis, 7, 13, 20, 196, 232.

- St. Louis Republic, 14.  
 Ste. Genevieve, 5, 13.  
 Salaries of state officers, 319.  
 Scheme and charter, 196, 232.  
 School board, duties of, 63.  
     vacancies in, 64.  
 School commissioner, 151, 155, 159.  
     compensation of, 154.  
     duties of, 153.  
     qualifications of, 152.  
 School funds, 65.  
     apportionment of, 73.  
     appropriation to, 72.  
     county, 67.  
     district, 69.  
     local, 71.  
     permanent, 65-70.  
     state, 68.  
     township, 68.  
 School, the, 56-80.  
     annual meeting, 80.  
     directors of, 62, 63.  
     districts, 58, 59.  
     powers of the people, 60.  
     purposes of, 56.  
     village, 79.  
 Secretary of state, 292.  
 Sections, 167.  
 Senate, state, 256.  
     districts, 262, 263.  
     election of, 258, 266.  
     map of districts, 263.  
     officers of, 264.  
     vacancies in, 267.  
 Senators, state, 258.  
     apportionment of, 261.  
     classes of, 265.  
     qualifications of, 259, 260.  
 Senators, United States, 521.  
     by whom chosen, 521.  
     process of choosing, 523.  
     qualifications of, 521.  
     term, 522.  
 Settlements, 4, 5.  
 Sheriff, 133, 138.  
     duties of, 184.  
 Signing bills, 271.  
 Sovereignty of the people, 4  
 Spanish rule, 8, 12.  
 Standard lines, 165.  
 State amity, 544.  
 State authority, 34, 235, 239.  
 State executive officers, 282.  
 Statesman and politician, 447.  
 State prohibitions, 379, 545.  
 State university, the, 470-472.  
 Suffrage, 390-394.  
 Supreme court, 368-373.  
     judges of, 370.  
     jurisdiction of, 370.  
     salaries, 372.  
     terms, 371.  
 Superintendent, of insurance, 298, 299.  
     of schools, state, 296.  
 Surveyor, 147.  
     duties of, 148.  
 Surveys, land, 8, 162-164, 168.
- ## T.
- Taxes, 455.  
     assessment of, 460.  
     collection of, 466.  
     equalization of, 461.  
     exemptions, 459.  
     necessity for, 456.  
     penalties, 467.  
     purposes of, 457, 463-465.  
     rates, 462.  
 Teacher, the, 74.  
     licensing, 77.  
     qualifications of, 75.  
     training of, 76.  
 Teaching local government, 425, 430.  
 Tenure, official, 118.  
 Territory of New Orleans, 14.  
 Text-books, 78.  
 Tobacco inspector, 298, 304.  
 Township, congressional, 180, 161, 166.  
 Township, municipal, 81, 83, 110.  
     elections, 100.  
     officers of, 101.  
     powers of, 99.  
     purposes of, 82.  
     qualifications of voters, 103.  
 Township map, 174.  
 Township officers, 101.  
     assessor, 106.  
     board, 108.  
     clerk, 105.  
     collector, 107.  
     compensation of, 97, 100.  
     duties of, 104-108.  
     election of, 89, 100.  
     eligibility of, 90, 102.  
     powers and duties, 91, 96.  
 Township organization, 98, 110.  
 Travel, 511.  
 Treason, 287.  
 Treasurer, county, 140-142.  
     state, 294.  
 Two-fold system, 32, 383.
- ## V.
- Veto, 273, 280.  
 Villages, 224, 225.  
 Village schools, 79.  
     officers, 226, 230.  
     revenues, 231.  
     trustees, 228.  
 Voters' responsibility, 394.  
 Voting a duty, 395.
- ## W.
- Warden, 298, 300.  
 Weights and measures, 499-505.





UNIVERSITY OF MICHIGAN  
3 9015 06375 625

3 9015 06375 9891

Barnard

History and civil  
government of  
Missouri

83975

[illegible]



